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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

14° VICTORIÆ, 1851.

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TO

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 4 FEBRUARY, 1851, IN THE FOURTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, April 11, 1851.

MINUTES.] PUBLIC BILLS.—2^a Law of Evidence Amendment; Patent Law Amendment; Patent Law Amendment (No. 2).
3^a County Courts Further Extension.
Royal Assent.—Mutiny; Marine Mutiny; Mills and Factories (Ireland); Designs Act Extension.

LAW OF EVIDENCE AMENDMENT BILL.

ORDER of the Day for the Second Reading read.

LORD BROUGHAM:* The Bill to which I propose your Lordships should give a second reading, consists of two branches—the amendment of the practice of the courts respecting evidence in some important particulars—and the admission of the parties to suits in all but a very few excepted cases to be themselves examined as witnesses. It is nearly the same as the Bill which I presented two Sessions ago, but which, from accidental circumstances, was not proceeded with. I hope and trust that this will, in both its branches, meet with the concurrence of the Legislature; but at present I purpose confining my statement to the most important portion of the measure, the making parties competent witnesses, reserving the explanation of the other portions of it for the Committee.

Whatever may have been the notion at one time prevailing, though without any sanction from judicial decision, that parties are excluded as witnesses merely as parties, and independent of their interest in the event of the cause, it has, in a well-known case about twenty years ago been authoritatively laid down that their interest alone makes them inadmissible. The Court of Common Pleas in Worrall *v.* Jones (7 *Bingham*) had this point fully argued before them. My noble and learned Friend (the Lord Chancellor) maintained the proposition with the ability and fulness of information which he brought to all causes that had the inestimable benefit of his advocacy, showing by numerous instances that a party having no interest is competent as a witness, both when called for himself, and when called by his adversary;

and the Court, after taking time to consider, pronounced that to be the law by the mouth of the late lamented Chief Justice (Tindal). It was, indeed, long the belief in Westminster Hall, that Lord Mansfield and Mr. Justice Buller had severally declared their inability to see any reason why eitheir party might not, if he chose to risk it, call his adversary as his witness; and certainly an unreported case (Cox *v.* Whalley) cited in the argument on Rex *v.* Woburn (10 *East*, 398), gives some countenance to the rumour as regards Lord Mansfield, by the analogy to which he refers of bills of discovery. However, we may now take it to be settled law that the exclusion of the testimony of parties rests entirely upon their interest; and consequently, that where there is no interest, they are not excluded.

I presume to think it is quite as clear a consequence of the decision, that when in all cases interest has ceased to work an exclusion, no objection to the competence of parties can remain; and clearly so thought the Legislature in 1842; because when Lord Denman's most beneficial Act passed, there was introduced the exception which it is the object of the present Bill to repeal—that exception of parties, clearly showing that but for its positive enactment they must have been admissible under the general provisions which prevented any witness from being made incompetent by reason of any interest whatever in the cause.

There has rarely been a greater benefit conferred upon the law, or a greater relief granted to those who administer it, than this statute, which we owe entirely to Lord Denman, sweeping away the most absurd and shadowy distinctions, preventing the daily failure of justice through the most groundless and inconsistent technicalities, alike saving the suitor from unexpected defeat, and the Judge from inextricable embarrassment. The whole of the new law is comprised in a sentence—No kind of interest, however direct, however ample, in the cause he is called to support by his testimony shall ever form the least objection to hearing all he has to say upon the subject of that cause: such interest shall only be considered in weighing his credit, not in determining his competence. Then is it not a corollary to the proposition, rather is it not one case of the proposition, that parties shall not be prevented from deposing, how deeply soever they may be interested; but that their credit alone shall be affected by this consideration?

Instead of arguing the advantages of examining those who best know the whole case, or dwelling on any of the other obvious reasons for their admissibility, I shall begin by meeting the arguments that are urged against it; and I go at once to that which forms the main ground of the objection, the apprehension that a door may be opened to perjury; that the amount of perjury committed in causes may be increased—for we must at once throw aside the suggestion that the evidence of parties is of little value, this being only a topic for consideration in weighing their testimony, not a reason against admitting it. And, first, I will grapple with the argument wholly independent of the experience afforded by the new system of local judicature—and as if we were dealing with the case on principle, before any experiment had been actually tried.

First, then, let me ask those who dread the perjury of parties, if they who would forswear themselves are incapable of suborning others to swear? The objectors really speak as if subornation were unknown, and parties could only falsely swear in their own person. But there are many reasons why suborning should be more rife than perjury. Men will set on others to swear falsely who may shrink from perjuring themselves. The men who might be incapable of swearing falsely for themselves from sordid motives, will often, to save or serve a friend, an employer, an associate, a confederate, I won't say swear falsely, but colour their statement of facts, suppress a part, exaggerate the rest, give a leaning to their story on one side, all of which forms the bulk of the falsehood too often observed in courts of justice, because all of it is far less easily counteracted and detected than downright perjury, of which, however, it has all the moral guilt. But then observe how much more powerful is the check of public reprobation, acting against the party who is seen to come forth in the face of day with a false story, from sordid motives, for his own gain, than against the witness swearing for a friend, a master, or an ally. It is very far from being practically true, that the great bulk of perjury is owing to direct interest operating on the mind of the witness. Zeal, favour and affection, hatred and spite, partisanship, perverted notions of obligation, notions yet more perverted of duty towards an employer, or kindness towards a connexion, or honour towards an associate—these mainly work upon men's minds, and form the armoury from which the suborner fits forth his agents—and against those agents thus provided the public reprobation operates far less potently than against the party who avows himself moved by self-interest alone, and who swears in the presence of a most suspicious audience, disposed severely to condemn, as well as scrupulously to sift. Nor will it suffice to say, that one party may be disposed to favour himself, and not the other, and that you give an advantage to the knave. Is it meant to be contended that the subornation must always be on both sides? On the contrary, there may be nothing like a conflict of subornation, nothing like a rivalry of conspiracy. It may be all on one side, nay, it most probably will be all on one side; because the chances are much greater that one only shall be able to find fit agents for his purpose, than that both should have an equal facility of this kind, and that one only should avail himself of it, even if it were equally open to both.

Let me next remind your Lordships how much easier of detection the party's false tale is than the witness's. He must go more fully into all the particulars; he knows the whole matter, and on the whole matter he must have his testimony sifted. The longer and the more minute a story is, the more exposed is it to detection if groundless—the more materials does it furnish for detection by cross-examination, by comparison of its parts, by contrast with other evidence. Your ordinary witness swears to a part, and he is craftily instructed on that part alone: he confines himself to it, and care is taken that he shall come upon no ground where another witness or other evidence may meet him.

Again, the exclusion of the parties as witnesses, makes it necessary to examine a number of other persons. The chances of perjury are increased with the number of witnesses. The total amount of perjury must bear a proportion to the number of witnesses examined; and I have shown in what manner persons are too often and too easily found to give a testimony substantially untrue.

Furthermore, those who consider that parties have only to throw away all conscientious scruples, and then they may prove their case by forswearing themselves, forget that those parties not only are exposed to the searching process of examination by their adversary and by the Court (for it may be said that other witnesses being also exposed to the same process, this argument is common to both kinds of proceeding)—but the party is also exposed to the deposition of his adversary, who will assuredly contradict him if he falsely swears; and this is a risk which the suborned witness does not run—a chance of detection which that witness escapes. The examination of both the parties necessarily must be on every part of the case, and on their compared and contrasted testimony the Court can well decide.

But, next, let me ask if our apprehension of perjury prevents us from allowing parties to swear in their own case, as the law now stands? It in no wise prevents us; it permits us; and it permits us precisely in those cases, and in that manner, the most exposed to the risk of false swearing—the least fenced against it—the most scantily furnished with means either of preventing it or detecting it.

First of all, as my noble and learned Friends the Chancellor, the Chief Justice, and the Vice-Chancellor well know, affidavits form the evidence on which the great bulk of all our proceedings in courts of justice rest, I mean proceedings in which the Judges and not juries are not to decide. Next, these affidavits may be made just as well by the parties to the suit as by strangers; and in fact by far the greater portion of them are the depositions of the parties. Whether at law or in equity, then, the staple of the evidence upon which the Courts have to act, is the depositions upon oath, in writing, and chiefly the depositions of parties. Now these depositions are given without any check whatever upon the parties, any guard whatever against falsehood, except what is afforded by their own consciences. The affidavit is prepared in secret; it is sworn in private. It is prepared by professional skill, and carefully framed to prove the case of him who is to swear it. Let us hope that when he sees laid before him the precise statement which his professional adviser informs him will best serve his purpose, he may be deterred by the fear of committing perjury, and reject the hope of gaining his cause. Let us trust that the adviser has in all cases first asked his client what the facts are; but even then he is not bound to state all the facts whether they make for or against. Yet one thing is certain, namely, that the righteous course may or may not be taken; that all is transacted in secret;

that the most honest party, having the most conscientious adviser, will pick and choose his way through the case, even though he neither falsely swears nor falsely colours. Ordinary men, parties of an average candour, with advisers of a medium honesty, will just tell such parts of the story as may suit their purpose ; and such parts as they trust cannot easily be contradicted—such parts as they know they themselves cannot be contradicted upon. They will not tell the whole truth, even should they tell nothing but the truth, while not a few will defy the dread of perjury, and yield to the motive for falsely swearing, because there is neither the watchful eye of the Judge and jury, and public upon them ; nor the risk of detection by being cross-examined ; nor the certainty of the parts which they suppress being wrung from them by the searching process of public trial. Now, this is the door which we leave wide open for perjury to enter, as enter it unquestionably does daily and hourly ; while we would not suffer the chink to exist though which, under the guards, checks, and risks of a public trial some amount of perjury from the very same parties may enter.

Next, answers in Chancery are sworn by the parties themselves; and as the defendant may file his cross bill and compel the plaintiff to answer, we must regard the suit in Equity as exactly a proceeding in which both parties are examined, because one always is and both may be. Now these answers are prepared even more carefully than affidavits by professional skill. The party is apprised of what, if true, will be beneficial to him; and, without intending to affirm that in the bulk of cases he will have a greater facility, a greater proneness to state matters in his own favour, than to tell the whole story whether it makes for or against him, we may fairly suppose that, between the skill of the draftsman and the good dispositions of the client, such a statement will be made up as shall disclose no more of the truth than is absolutely necessary—that much will be kept back—that a colour will be lent to some facts, peradventure an addition made to others, and we certainly do know how difficult skilful men with willing clients make it for their adversaries to use their sworn answers, inasmuch as a sentence extending over several folios, and comprising matter adverse to the plaintiff, is often given in answer to one of the interrogative parts of the bill, and one part of that answer cannot be read without the rest. However, all we have to consider now, is, that these answers are upon oath, and are the evidence of the parties. True, they are answers to questions put by the adversary; but if all we dread is the opening a door to perjury, this door is ever ajar; and from whatever quarter the question comes which we daily and hourly permit to be put, its tendency is to draw out a perjured answer, by the supposition upon which the whole argument against the present Bill is founded. That supposition is, that if you examine parties in a cause, they will commit perjury; the argument has no other foundation. Yet you do examine the parties to every suit in Equity, and you do expose yourselves to this risk of perjury incalculably more because your examination of each party is conducted behind the back of the other—under the advice of professional men—without the risk of exposure to the adversary, and without the control of the Judge.

Thirdly, when issues are directed from Chancery, it is not at all uncommon to direct that parties shall be examined, sometimes in order that they may be exposed to cross-examination, sometimes that facts exclusively within their knowledge may be come at. Nothing can more clearly shew the consciousness which the Courts of Equity have of their own impotence in arriving at the truth; nothing better illustrate the superior advantages and greater safety of examination in open Court. But also nothing can better illustrate the inconsistency of the objections taken to the present Bill with the established practice, known to, and sanctioned by, the objectors.

But, last of all, and greatest of all, is our opening the mouths of parties, one party at least, in all criminal proceedings, while we close them in all civil. I care not for the fiction upon which this anomaly is grounded, of the real prosecutor being no party but only the witness for the Crown; because, in this country, though the Crown is the nominal party, the individual injured is the real one, we might say in every respect whatever, most certainly in everything which can give a bias to his testimony; and on that, and that alone, rests the whole argument I am dealing with. Then see what follows. A party sues for damages against one who has assailed his character, or assailed his person. Not a word is he allowed to utter, although no one else may be in existence who can give evidence. Nay, there may a justification be pleaded of the libel or the battery, and the wrong doer may be able to produce witnesses whose testimony could be rebutted, or, what in most cases would be sufficient, explained away by a simple statement of the truth from him to whom the whole facts are known, contrasted with the statement of his adversary. But all this must be kept carefully from the knowledge of the Court; and the injured party leaves it without redress, nay, possibly more damaged by the trial than he had been by the injury which he complained of. What course does he take, under the exasperated feelings your absurd and inconsistent law has raised in his bosom? He indicts his adversary, or he moves for a criminal information; and then he is heard to swear under all the influence of those feelings; and as now his adversary's mouth is closed, at least before the jury, the compensation in damages having been denied, he is compensated by the gratification of revenge, which he may find the sweeter of the two. But of that we need say nothing. We are upon the risk of perjury, and I shew you that the law is curiously contrived, not to discountenance and prevent, but to stimulate and encourage, that foul offence, and greatly to increase the amount of it daily, I fear, committed.

Need I now remind your Lordships of the inevitable consequences which follow from excluding the testimony of parties? They are so manifest on the most cursory glance which can be cast over the subject, that I have preferred meeting the arguments of the adversary to the proposed improvement in our law, and have said little or nothing on the evils which it is intended to remove. But take a sample of them.

First.—By excluding the testimony of the parties, you shut out the account of those who must needs know more of the matter in dispute than all the rest of the world—and how often does this lead to the manifest failure of justice? I may appeal to all who have frequented our courts, whether at the Bar or on the Bench, and ask how often they have witnessed nonsuits from the want of evidence to substantiate facts which every one saw must be true, yet the formal proof required by law was wanting; the proof which could be drawn from the contrasted testimony of the parties—and justice was thus remedilessly defeated. Again, I might ask how often, for want of such direct and full proof, they have seen recourse had to the evidence of circumstances, or the testimony of witnesses partially acquainted with the facts, or some of the facts, and thus endless delay as well as needless expense created, in order to render the inquiry more difficult, the result more uncertain, the decision more doubtful, all being wrapt in obscurity, inevitable by your rules of procedure, but in the nature of things wholly unnecessary.

Secondly.—One party has in many, I might say in most cases, witnesses to prove his case, which the other is without. The manufacturer, the tradesman, the person of skill employed—I only give examples of what occurs in most cases—these have persons in their service, their foremen, their shopmen, their workmen, their clerks, their carriers, all ready to be produced in court. The customers who are sued have in general no means of meeting this testimony; and yet, in many cases, they could easily rebut, or at least explain, what is brought against them.

Thirdly.—In various instances where the party sued might have witnesses to meet the demand or the charge brought against him, the rule of law enables his adversary to shut their mouths, by making them defendants along with the only person against whom the action is really instituted.

Fourthly.—If, indeed, it be not rather a corollary from my former propositions—how many causes might be brought into court, were each party sure that his adversary could be heard? How many plaintiffs persist in their attack, how many defendants persevere in their resistance, merely because each knows that the other's mouth is closed? I have the declarations of practitioners, attornies of many long years' experience, to back the unanimous opinion of the County Court Judges, in this important particular. They affirm that, to their knowledge, thousands of causes which run through the whole course of litigation, with all its chances of miscarriage or misdecision, would have been settled out of court had the parties been examinable.

But I need dwell no longer on these things, satisfied that enough has been said to show how ill the present system is calculated to bring out the truth in any case, and to how great a risk in all cases it is exposed of working injustice. The arguments which I have used are not speculative; they are drawn from the known and admitted facts in the practice of the law as it now stands. But they are in every one particular sanctioned by the recent experience in the County Courts, and to that I now solicit the attention of your Lordships. I am not aware that I have urged a single argument which is not countenanced by the answers given to the questions which the Law Amendment Society submitted to the Judges of those Courts. The answers are before you. Of the whole forty-six, one only states that the allowing parties to be examined proves hurtful. All the rest, without any exception, state that this course of proceeding has worked well, enabling them to do justice between the parties, which would otherwise in very many, nay, in the bulk of cases, have been impossible; and two only of the learned Judges express an opinion adverse to extending this practice, and adopting it in all judicial proceedings.

To take a few instances of the opinions, the result of the experience which these able and learned men have had for four years, in trying nearly two millions of causes—(above 1,800,000)—Mr. Dowling acted as Chairman of a Committee of County Court Judges, directed to frame rules of practice, and he states it, as his own opinion and theirs, that the course of examining the parties "has worked most beneficially. He has had many opportunities of ascertaining the conclusions of others, and found them, without any exception, coinciding with his own." Mr. Addison, whom I had the pleasure of knowing on the Northern Circuit, "was for twenty years at the head of a local court, with great practice, and five years in a Court of Requests," before he presided over the County Court of the North Lancashire Circuit. And he bears his unqualified and unhesitating testimony in favour of examining the parties whatever be the court, and whatever the suit. He denies that perjury is thereby increased. He gives details of the number of defences made before him; shows that of ten or eleven hundred causes there were only sixty-four in which the defendant availed himself of the power he had to dispute the whole demand; in other instances there was a set-off or other counter claim, or recourse to the statute of limitations, or infancy, or coverture; and in the sixty-four really disputed cases, in which perjury might have been expected, the defendant succeeded twenty-seven times, to thirty-seven, which all who are acquainted with courts of law know is a far smaller proportion than usually may be found between the verdicts for the plaintiff and for the defendant—and clearly shows that the defences were generally conscientious. Mr. Addison considers false swearing "to be the exception, and the rare exception." Of the same opinion is Mr. Chilton, a King's Counsel of extensive practice at the Bar, and who has been for thirty years a member of our profession. His able and judicious letter at page 17, of the paper before your Lordships, uses some of the very topics which I have addressed to you on the question of perjury. So does Mr. Gale, the Judge of the Hampshire Court:—

> "I think (he says) that persons examined in public courts of justice are very reluctant to make statements which would induce their neighbours and friends to suspect them of perjury; and in this respect the practice which results of hearing parties in a private room before an arbitrator, appears to me to afford no criterion to judge by. I wish to express in the most unqualified manner, that the hearing of the parties is most advantageous, and indeed necessary to prevent injustice, and that it ought to prevail in all the courts of justice in the kingdom."

Mr. Smith, thirty-seven years at the Bar, and who has had great experience both as Commissioner of Bankrupts, as an Arbitrator, and as Chairman of the Bath Court of Requests, regards the danger of perjury to be an

> —"unreal one, except in very rare instances. Speaking from my own experience, I do not hesitate to assert, that wilful perjury is very seldom resorted to; and, that in the face of a Judge of ordinary penetration and attention to his duties, it is next to impossible, in the case especially of the parties themselves, that it should succeed. Apart from the results of actual experiment, it would not, I apprehend, be difficult to show that the probabilities of the case would lead theoretically to a similar conclusion in favour of the mode of proof under discussion."

But I will refer to the excellent tract of Mr. Amos, the distinguished Professor of Law at Cambridge, lately Member of the Supreme Court of India, afterwards Recorder of Nottingham and Oxford, and extensively employed as an arbitrator while he practised at the Bar, now Judge of the Marylebone Court. In that able and learned work, on the subject of the present Bill, he has given the result of his large experience and his long consideration of the whole question; and has argued conclusively in favour of admitting the evidence of the parties. I use his authority in defence of this measure; but I have already used the greater part of his arguments, and I can only refer to his tract as of the greatest value both for the weight of the one and the force of the other. His answer to the statement of the Common Law Commissioners, 1830, I may cite as quite conclusive. Those learned persons had rested their disinclination to admit the evidence of parties upon the ground that a party would be afraid of calling his adversary for fear of being in his turn examined. This would, say they

—"in most instances render a resort to the evidence of one, by the party entitled to call him, too hazardous to be attempted." "Nor," they add, "would it ever be attempted until all other evidence had failed, or was foreseen to be insufficient, and the case had become desperate."

Professor Amos at once destroys this whole speculation, (such it was before the existence and the experience of the County Courts), for he states the well-known fact that in thousands of instances the very thing happens which the Commissioners assume to be impossible.

It is admitted then—it is a fact in the cause and beyond all dispute—that in the County Courts the principle has worked well; that without such evidence thousands, many hundreds of thousands, of causes could not have been tried; that no encouragement has been given by it to perjury. Therefore, if we retain the law as it now stands, we affirm that up to the sum of 50*l.*, one rule of evidence shall prevail, above that sum another; that the fear of perjury being encouraged shall not prevent us from hearing the parties when 50*l.* is the sum in dispute, but shall make us close their mouths if 51*l.* be the subject of the action—in short, that there shall be one law in those courts and for those causes, a different law in all other courts, for all other causes.

It may be so: this view of the matter may have some reason to support it. Let us see what that can be. It can only be because there is something different in the kind of cause, or in the kind of court. The causes, it may be said, are less important; the court is, generally speaking, composed of a single Judge, juries being seldom called to his aid. First, on the amount of the interest: does the interest of 20*l.* operate less powerfully upon a suitor in humble circumstances, than that of 200*l.* upon his superior in station? No one who reflects for a moment can maintain so absurd a position: the little sum is great to little men. Then, are jurors incapable of observing the difference in a witness's demeanour, and in his story, so that they must be passive dupes of frauds which a Judge alone can detect? But this would go to the whole value of jury trial; it would also destroy the whole reasons, the irrefragable reasons, upon which is grounded our just and habitual preference of public to secret trial; for, if a Judge alone can detect, and by his power of detection prevent, perjury, there is no possible reason why he should not sit in private. But I utterly deny it. The presence of the Jury and of the public is as powerful a check as the discrimination of the Judge. But the question is, not whether an inexperienced Jury alone, or an expert Judge alone, shall examine the parties;—the inexperience of the Jury is always assisted by the acuteness of the experienced Judge; and I will venture to affirm, that the chances of perjury are full as great before the one tribunal, the County Court, as before the other, the Supreme Court. Indeed, there is good reason for believing that, in the more important causes, and before the higher courts, perjury would be less frequently committed than in the County Courts. The parties are likely to be of a higher station, and more under the influence of honourable feelings. The presence of the Judges is more awful. The concourse of the public is more thronged. Everything conspires to cast a greater protection round truth, to lessen the chances of successful deception, above all, to strengthen the guards against false swearing.

Under the same head of the argument is naturally ranged the objection drawn from the practice, or what is somewhat inaccurately alleged to be the practice, of arbitrators, averse, it is said, to examine parties, for fear of their perjuring themselves. This is very far from being the general practice; but if it were, no kind of argument could fairly be drawn from it. There is all the difference in the world between a party telling his story upon oath in an arbitrator's private room, and standing forth in open court, before the watchful public as well as the suspicious Judge and Jury, and in their presence undergoing the scrutiny not of their eyes alone, but of a searching cross-examination. Never doubt for a moment that many a man who might boldly enough venture a false statement upon oath in the secret recesses of the barrister's chambers, in the hope of deceiving him, will shrink back from making the same attempt upon the credulity of the Judge, the Jury, and the assembled people.

To one other objection I will advert before I close my statement—we are told that the examination of the parties gives the advantage to the able over the dull, the self-possessed over the nervous. The advantage of those who are in health to attend over those who are absent from illness or accident, I pass over, because that source of injustice may clearly be removed by regulations, either for postponing the trial, or for excluding the party present, during the necessary absence of his adversary. But as to the difference in the talents or in the habits of the parties—the self-same objection would go to exclude a man's witnesses as well as himself from being examined; for who that knows courts of justice in this country can be ignorant of the advantage which parties derive, and in the nature of things must always derive, from what are called good witnesses, and the disadvantages under which bad witnesses lay those who rely on their testimony? It will be the province of the Judge, should the advocate fail to equalise the impression made by parties of various ability, as he now prevents an undue impression from being created by the various talents of witnesses. That the risk of miscarriage arising from this source is inconsiderable, I believe—that it is wholly to be disregarded if put in comparison with the incalculable benefits of the rule we contend for, I feel well assured.

I have detained your Lordships long in bringing before you this question. When I reflect on its extensive importance, I cannot bring myself to make any apology for the fulness with which I have felt it my duty to enter into the whole subject, leaving, I believe, no part of it untouched, no opposing argument unanswered. That it should have caused me to occupy so large a portion of your time I may lament, but I do not regret, for I had no other course to take. I move you to give the Bill a second reading.

The LORD CHANCELLOR acknowledged that the Bill contained many valuable clauses, which would tend very much to facilitate the administration of justice, and no doubt it ought to be read a second time; but there was much to consider, and he thought it well that those noble Lords who might be disposed to take part in the discussion should have their attention directed to some parts of its provisions. Undoubtedly, in theory, there was something very plausible in the opinion, that those who knew most of the transactions were the fittest to be examined; but when it was added that these were the very persons who had the greatest interest to misrepresent, then some other considerations seemed to be introduced, and it was only by experience that a correct estimate could be formed how far the administration of justice was facilitated and improved by the admission of the parties themselves to give evidence. With regard to the Bill now before their Lordships, he could have wished that it had been submitted to the learned Judges in Westminster Hall—men of vast experience, and many of whom before their elevation to the bench had been frequently engaged as arbitrators, and could have afforded much useful information, as the results of their experience in the examination of parties; but the noble and learned Lord thought it right to pass by the Judges of Westminster Hall, and to take the opinion of the Judges of the County Courts. His noble and learned Friend had stated powerfully many of the most glaring inconsistencies of the law—many of those inconsistencies did exist; but it did not follow that that evil would be extended because it could not be wholly removed. As far as his experience went, in the presence of other noble Lords also of great experience—certainly, as far as his experience went as a solicitor engaged in more arbitrations than any other solicitor, and since, in other departments of the law—he was convinced that no arbitrator of experience, who from his experience had acquired the confidence of the profession, would ever examine the parties themselves. When he said that, of course he did not deny that there always would be some few cases of exception; but even in those instances, he knew that when the parties were examined, the difficulty of discovering the truth was rather increased. He mentioned this, not for the purpose of at all objecting that this subject should be examined, but with the view of showing their Lordships that different opinions existed. He thought each party was entitled to the evidence of the other in the cheapest mode in which it could be obtained. Whether the mode proposed by this Bill was the best mode, he was not clear; whether each party should have the power of exhibiting interrogatories, or examining *vivâ voce*, he would not say. As far as he had opportunity of making observation, he believed the event of cases depended as much on the talents of the advocate as on the truth of the witnesses. Fortunately, each party was now on pretty equal terms, by having a selection of counsel equally eminent; but some witnesses were very much more intelligent, and could be led to reconcile inconsistencies, and pass them off before the jury, while a dull man would shrink from cross examination, and thereby ruin the chances of a cause, whatever the merits might be. Those who had had the opportunity of judging of the effect produced by different witnesses on the minds of juries, would concur in that belief. Some witnesses would tell a falsehood with all the grace of truth; another, whose mind travelled slowly, would be hurried by examination into some confusion, and present the appearance that the confusion arose from the consciousness of not telling the truth. The extension of examination to the parties in a cause, was a matter for very grave consideration, though he admitted the Legislature had taken a very wide stride in that direction. The Bill of his noble Friend, however, contained clauses which all men of reputation, wisdom, and experience had denounced, as he was prepared to do, as one of the greatest evils. It was proposed that a man's wife might be examined as a witness against her husband. Such a practice would be destructive of the confidence which ought to exist between man and wife. No man could converse with his wife in confidence without feeling that one or the other might be called upon to disclose that conversation. There would be no protected moment in their lives. The law was so conscious of the evil tendency of examining husband and wife, that even after death one or the other was not allowed to give evidence of communications which had passed before death, because the consciousness of examination upon such communications being possible after death, would prevent that perfect confidence which ought to exist between man and wife. Let them look to the situation of the woman, and be just and merciful to her. If her evidence was to be taken, she would be subject to the reproach that her evidence had ruined her husband, when perhaps by mistake she had misrepresented forgotten facts and circumstances. A noble Lord could not have a dispute with an upholsterer without his lady being subpœnaed, because she was present when something passed, and this would lead often to their preferring to submit to an unjust demand rather than to the inconvenience which would attend the contesting it. But, what was of far greater importance, it broke down that confidence in domestic life which was of infinitely more consequence than the pecuniary influence with which this Bill dealt. He did not object to its going into Committee, when he should propose that the clauses relating to husband and wife be omitted. At present he was satisfied with directing their Lordshps' attention to that portion of the Bill, feeling, as he did, that the interests even of justice were subordinate to the permanent value of that perfect confidence in domestic life which ought to prevail; and he hoped, on reconsideration, his noble Friend would state his intention to withdraw the clauses to which he alluded.

Lord BROUGHAM said, the examining of husband and wife was an atrocity not confined to this Bill. The clause was an exact copy from Section 83 of the Act of 1846; and he was sure their Lordships were not going to say there should be one law for people in their station, and another for those who were chiefly the parties to suits in the County Courts.

Lord CAMPBELL thought it would be highly undesirable if, either in the County Courts or in the superior Courts, husband and wife were to be examined against each other. By the common law, not only a wife could not be examined in a case where her husband was interested, but any witness, who had the smallest pecuniary interest in the event of a suit, was disqualified from giving evidence. In the present state of the law, none but the parties themselves were rejected. The son, the servant under the control of the party, and the attorney, could be examined in the superior Courts, but the parties to the suit could not. He agreed with Lord Denman in first making the experiment how far interested witnesses could be examined. That experiment having been made, and succeeded so admirably, he was prepared now to go further. He had still, he allowed, hesitation to going the full length of allowing the parties to be examined as witnesses in their own favour; but he thought they might be allowed to be examined by the opposing counsel against themselves. Extreme inconvenience now arose; the examination of an opposite party could be only obtained by filing a bill of discovery in the Court of Chancery, and thus parties had to go from a court of law to a court of equity, and then come back to a court of law. It was part of the same system, which was a disgrace to this country, by which parties first went to a court of equity, were then sent back to a court of law, and were then sent back to a court of equity, and years rolled on, and their fortunes were ruined, before they could get a decision upon their suits. He (Lord Campbell) was in favour of examining each party against himself. He had, however, conversed with a considerable number of Judges in the County Courts, and they gave in conversation the same representations they made when the question was put to them, that they could not get on at all—that justice could not be administered by those tribunals if the parties were not allowed to be examined for themselves. That afforded a strong argument in favour of an extension of the principle of examining the parties, for it would be a strange anomaly if actions could be brought for 45*l.* in the County Courts, where the parties might be witnesses for themselves, which, if brought in the Court of Queen's Bench or Common Pleas, they could not—it was an anomaly which could not be allowed to exist. In the County Court the plaintiff and defendant stood side by side, and a sort of dialogue took place, much as would have been the case before his noble Friend's Courts of Reconcilement, and he thought a better result would be obtained if they were examined with more regularity. At the same time the extension of the principle was a question of infinite importance, and he stated that his impression was in favour of its extension; but he reserved to himself the right to form a more matured opinion after further discussion.

Lord CRANWORTH concurred with his noble Friend (Lord Brougham) in the main, in what he said, though had not his noble Friend on the woolsack made objection to the husband and wife being examined, to that extent he was prepared to state that he could not agree with the provisions of the Bill; if it were necessary to amend the law at all on that subject, it was in a contrary direction that he should be inclined to legislate. He felt that enormous evils would arise from the examination of a wife adversely to the interests of her husband; but he was not at all clear that that was the practice in the County Courts. Not to allow the wife to be examined in favour of her husband, would, in small matters, be a denial of justice to the husband: he might perhaps have a small shop, which was managed by the wife, and the wife alone, and it might be that the law was right in allowing her to be examined as the agent for the husband, and the only possible person who could throw any light upon the subject. He (Lord Cranworth) could only say that he generally concurred in the opinion of the late Mr. Bentham, that if the law allowed parties to be examined, in five cases out of six they would not want to examine any other persons. Some extraordinary arrangement of the law excluded for fear of their telling an untruth the only parties who were able confidently to tell the truth. He concurred generally in the outline of the Bill. As to the point raised by the noble Lord upon the woolsack, he was open to the conviction that it might be in some cases more fit to examine upon interrogatories. He knew that was the opinion of many learned and eminent Judges. Going along generally with the principle that parties should be at liberty to examine one another, he thought that parties, unaccustomed to appear in public, might be embarrassed, and led to state matters contrary to their own interest and to the justice of their case. He was not quite sure upon the point, but he thought it would be a fair subject for consideration in Committee.

Lord BROUGHAM, in reply, expressed his concurrence in this suggestion. He also, in declaring his great satisfaction at the result of this discussion, stated that the only feeling which interfered to damp his gratification, was, that the most illustrious teacher of jurisprudence who ever lived, either in ancient or modern times, Mr. Bentham, had not lived to see this day—there being no one of his doctrines on which he set a higher value, or insisted more strenuously, than this of admitting the testimony of parties.

On Question, Resolved in the *Affirmative.*

Bill read 2ª accordingly, and committed to a Committee of the whole House.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 11, 1851.

MINUTES.] NEW MEMBER SWORN. — William Henry Powell Gore Langton, Esq., for Somerset County (Western Division).

PUBLIC BILLS.—2ª Farm Buildings; Exchequer Bills (17,756,600*l.*; Indemnity.

THE UNITED STATES TARIFF.

LORD J. MANNERS begged to inquire of the right hon. President of the Board of Trade if the Government had received any despatch from Washington containing the decision of the Secretary of the Treasury of the United States respecting the first clause of the measure that had just passed Congress, for regulating the appraisement of foreign-imported merchandise?

MR. LABOUCHERE replied, that the most recent information on this subject from Sir Henry Bulwer was contained in a despatch of the 28th of February. Sir Henry Bulwer stated that there existed a very faulty and fraudulent mode of fixing the *ad valorem* duty, which had given great dissatisfaction; and that advantage was taken of that circumstance to bring in a Bill to alter the tariff. But that Bill had not passed into law, although a Bill had passed into law to remedy the evils complained of. That was all the information on the subject the Government had received from our Minister at Washington. With respect to any decision supposed to be given by the Secretary of the Treasury of the United States, there was no information from Sir Henry Bulwer.

LORD J. MANNERS trusted that if such a despatch containing the decision of the Secretary of the Treasury of the United States on the disputed point should be received, the right hon. Gentleman would communicate it to the House.

CIVIL BILLS, &c. (IRELAND) BILL—SALARIES AND FEES.

MR. SADLEIR asked the Chief Secretary for Ireland what information, if any, had been collected by the Government to justify the scale of salaries, the stamp duties, and fees, proposed by the Civil Bills, &c. (Ireland) Bill, and whether any and what returns had been obtained from the assistant barristers and clerks of the peace of counties, with reference to the amount of business done in the Quarter Session Courts during the last few years?

SIR W. SOMERVILLE was understood to say that the scale was founded on returns made in 1849 and 1850.

ST. ALBANS ELECTION.

Order for consideration of Minutes of Proceedings of the Committee, read.

MR. AGLIONBY said, that it seemed to be taken for granted, in consequence of the accidental circumstance of his having presented a petition from a person who had been taken into custody for an alleged breach of privilege, in connexion with the proceedings of the St. Albans Election Committee, that he had some connexion with the whole question. He begged to say that such was not the case, and as the matter was now in the hands of the House, he wished to ask what course it was intended to pursue with regard to the petition of Henry Edwards?

SIR G. GREY rather expected, after what had passed yesterday, that the hon. Member would have now renewed his Motion for the discharge of Henry Edwards from custody; but as he had not done so, he (Sir G. Grey) considered that there was no question before the House.

MR. AGLIONBY, in order to bring the subject under the notice of the House, would here move—that Henry Edwards be now discharged from the custody of the Serjeant-at-Arms. It was his decided opinion that the Committee, having adjourned for a period longer than twenty-four hours, had contravened the provisions of the Act 11 and 12 Vict., c. 98, c. 73, and that their subsequent proceedings, including the commitment of Henry Edwards, had been thereby vitiated and rendered void.

Motion made, and Question proposed—

"That Henry Edwards be discharged from the custody of the Serjeant-at-Arms without payment of fees."

The ATTORNEY GENERAL was quite willing to admit that a very serious objection had been raised to the authority of the Committee; but he thought that the House ought not to pronounce any decision upon the subject on that occasion. It was quite clear that at the next sitting of the Committee, counsel would raise an objection founded on the construction of the Act of Parliament which had been alluded to, and the Committee would then have to determine as judges upon the validity of their proceedings. That being the case, he thought it would be highly inconvenient for the House to interfere in the matter at present. At the same time, if the petitioner, Henry Edwards, desired to be heard at the bar of the House on the facts stated in the Minutes of evidence, of course the House would think it right to hear him; but he must say, that if the Motion was to be based entirely on the assumption of the invalidity of the course taken by the Committee, he did not think that the House was in a position to decide that point.

Mr. BANKES desired to be informed whether the hon. Member for Cockermouth (Mr. Aglionby) made the application at the instance of the petitioner Edwards? If so, it was a question whether the House of Commons had the right to keep this man in custody till Monday. Should it turn out that the constitution of the Committee was informal, Edwards would be erroneously in custody. It was important for the House to know whether the hon. Member had Edwards' authority for making the Motion he had submitted to the House.

Sir F. THESIGER thought it was quite clear, from the facts of the case, that a breach of privilege had been committed. A report had been made by the Committee of certain misconduct on the part of a witness, by which it was supposed that the course of justice would be defeated. Now, it was quite competent for any particular Member of the House to make such a report, and for the House to act upon it, and commit the party for such misconduct; and, therefore, there was nothing in the objection that that report was made by a Committee whose proceedings were said to be void, which would render the report itself invalid. They had nothing to do with the question as to whether the Committee continued to be legitimately constituted or not, for the conduct of the House, so far as it was concerned, was unobjectionable. But they were called on to discharge the petitioner Edwards from custody upon no grounds, and there was nothing directly before the House to enable it to decide whether the Committee existed legitimately or not. It was, therefore, not right to entertain the Motion submitted by the hon. Member for Cockermouth.

Mr. WALPOLE was of opinion, that if the statements of Henry Edwards in his petition were founded on fact, they had no right to detain him in custody one hour. His petition denied the charge imputed to him, and though he (Mr. Walpole) did not think it expedient to raise the question of the validity now, he yet thought it would be decidedly unjust to detain Henry Edwards in custody without at once questioning him upon the matters brought against him. He should therefore move as an Amendment, that Henry Edwards be called to the bar of the House, and questioned by Mr. Speaker upon the truth of the allegations contained in his petition.

Amendment proposed—

"To leave out from the word 'be' to the end of the Question, in order to add the words 'now brought to the bar of this House to be heard on the prayer of his petition,' instead thereof."

Question proposed, "That the words proposed to be left out, stand part of the Question."

The ATTORNEY GENERAL seconded the Amendment. He should have made such a Motion on Thursday, but he understood the hon. Member for Cockermouth (Mr. Aglionby) to have then given notice that he would move, on this day, that Henry Edwards be heard at the bar of the House.

Mr. AGLIONBY did not think the course proposed by the hon. and learned Member for Midhurst advisable. The petitioner Edwards ought to have been called to the bar of the House before he was committed; and to give the petitioner a hearing now would not atone for the wrong which had been done him. The question was not whether the allegations against Edwards were right or wrong, but whether in point of law the Committee had authority to report as they had done, and whether the House had authority so to act. He thought the most convenient course would be to adjourn the question until after the next sitting of the Committee, and until after their Report.

The SOLICITOR GENERAL said, that, had it not been for the technical objection raised by the hon. Member for Cockermouth, the petitioner, Edwards, would long since have been called to the bar, and questioned about the truth of his allegations. He felt the inconvenience of keeping that person in custody until Monday; but still, if the hon. Member for Cockermouth were authorised by Edwards to sanction that course to raise the point of law, why, there was an end of the difficulty. With respect to the merits of the case, it was quite clear that he had been regularly committed by the House; and it would be for their consideration whether they would permit a Committee of their own body to be treated with contempt, even though it might be questionable whether that Committee had been legally constituted. The practice of the courts was that where there was an order *de facto*, the parties were not allowed to trifle with it; but a person might be committed for a contempt of an order, even though the order itself might be declared the next day to have been void *ab initio*. He thought the right course to pursue, and the most agreeable to precedent, was to call the prisoner to the bar of the House, and to read to him the Minutes of evidence, and then if he could clear himself of that evidence, he had no doubt that the House would order his discharge.

Mr. AGLIONBY said, he had had no communication with Henry Edwards, but he had just spoken to the gentleman who had intrusted to him that person's petition, and they agreed in opinion that as the injury had already been done, it was not material if the matter stood over until Monday, Edwards in the meantime continuing in custody. He (Mr. Aglionby) was so perfectly satisfied that Edwards would be discharged on Monday, without payment of fees, on the legal point, that he was quite willing to assent to the adjournment. He should therefore beg to move that the debate be adjourned to Monday.

Sir R. H. INGLIS would remind the House that Edwards had been committed upon evidence given under the obligation of an oath, and upon the judgment of five Members of that House, acting also under the obligation of an oath. If then, he were brought to the bar, would the House be prepared to release him upon his mere declaration that he had been unjustly committed, against the evidence, on oath, of the witnesses who had inculpated him?

Mr. C. ANSTEY said, it had been assumed by some hon. Members, that Edwards had been committed for the purpose of compelling him to do something to further the proceedings before the Committee; but that was not the case: he had been found guilty by the Committee of a successful attempt of tampering with the evidence of important witnesses, who, thanks to his exertions, had absconded, and were now perhaps beyond the jurisdiction of the House. He thought the petition of the prisoner considerably aggravated the contempt of which he had been guilty, and his denial of the charge was anything but satisfactory.

Sir F. THESIGER said, that as no one was authorised on the part of Edwards to request that he might be called to the bar, and as Edwards did not make such a request in his petition, he thought it was useless to lose time in discussing the question to-day, and he hoped the House would consent to postpone the debate until Monday.

Debate adjourned till Monday next, at Five o'clock.

ASSESSED TAXES ACT—AGRICULTURAL DISTRESS.

Order for Committee read; Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. DISRAELI: Sir, I rise to submit to the consideration of the Committee the Amendment of which I have given notice, on the Motion of the right hon. Gentleman the Chancellor of the Exchequer. Sir, the manner in which Her Majesty's Government, and I may say, in a certain degree, the House of Commons, have conducted themselves towards the agricultural interest, since the commencement of this Session of Parliament, appears to me so perplexing, so contradictory, so wanting, I will say, in consistency—seems influenced so much by a spirit, however unintentional, of injustice, and tends so much, I think, to hurt the feelings, shake the confidence, and offend the just and honest pride of a very important portion of Her Majesty's subjects, that I thought, Sir, before the adjournment of the House, and before we went back to our constituents, I would make an effort to induce the House and the Government dispassionately to consider the subject; and after a discussion, influenced, I am sure, as it will be by a desire to arrive at just and true conclusions, to induce them to adopt that opinion which I have expressed in the Resolution of which I have given notice, and which, Sir, I shall place in your hands, dictated, as I believe it to be, by a principle of justice, and by a sincere feeling of sympathy and conciliation. The difficulties and the severe distress of the owners and occupiers of land have for a considerable time occupied the attention and the consideration naturally of the Government, as was evidenced by confessions and expressions which were contained for several Sessions in the Speeches of Her Majesty's Ministers. But it was only this year that the Government, no doubt moved by the gravity of the circumstances, felt it their duty to counsel Her Majesty, in Her most gracious Speech from the Throne, publicly and authoritatively to recognise and to deplore the existence and the continuance of those difficulties. Sir, I am far from presuming to blame Her Majesty's Ministers for not having counselled Her Majesty on a previous occasion to have made an acknowledgment that even then probably would have been equally just, because I know well, and every Gentleman I am now addressing must know it also, that it is no light responsibility that is incurred by a Government when they counsel the Sovereign to acknowledge the continued distress of any important interest in this country. No doubt such a recognition raises, and naturally raises, an expectation in the community that the acknowledgment will be followed by a remedy. It is difficult to understand what can authorise a Government, in a manner so public and so authoritative, to call the attention of Parliament, of the country, I may say of the world, to the condition of a class, unless they feel that that condition is pregnant with important consequences to the whole community; and unless they wish to prepare Parliament and the country for the introduction of measures which should at least attempt to mitigate, if not to remove, the consequences which they thus publicly deplore. Sir, after that important fact—after the meeting of Parliament and the Speech from the Throne, when expectations had naturally and necessarily been excited, not only throughout the country generally, but particularly among those classes that were suffering, and whose suffering, and whose difficulties, and whose distress, after that recognition of them by the Sovereign was no longer a matter of theory, no longer a question of controversy, but a great political fact, and a great Parliamentary conclusion, to which the great council of the country was called to address their attention—the First Minister of the Queen announced to the House, while he deplored with well-expressed sympathy his feelings for the suffering classes, the First Minister of the Crown, in a tone almost of despair, confessed to the House of Commons that he was unprepared and unable to propose any remedy. What, Sir, was the conduct of this House under those circumstances? Duly respecting and appreciating the communication from the Throne, astonished at the confession of the Minister which followed it, the House felt it to be its duty to interpose. A discussion of great gravity and of considerable length occurred. A proposition was made in this House, expressing its opinion that, under the circumstances of the case, after such an acknowledgment, and after and in consequence of the existence of such distress and difficulties, it was the duty of Her Majesty's Ministers to introduce the remedial measures which the circumstances of the case required, and which the acknowledgment of the Crown rendered—as it appeared to us—inevitable. What was the result of that Motion? In one of the fullest houses of the Session, that expression of opinion was negatived by a majority so small, that upon a subsequent occasion the First Minister confessed that the result of that division shook the Government to its centre, and indeed even intimated that it was, if not the proximate, the real cause of the disruption of the Ministry.

Thus far, in considering the events of the Session, we have observed that the Crown, under the advice of the Government, has recognised the extreme distress of the agricultural community, and at the same time, that the Government, not coming forward to fulfil, as it were, the implied intentions of the Crown, the House of Commons stepped in, and although it did not formally obtain, on the part of the Government, an agreement that they would interfere, still there was a virtual expression of opinion, on the part of the House, that it was the duty of the Government so to interpose. And interpose the Government did, because, within eight-and-forty hours after that division, it became the duty of the right hon. Gentleman opposite, the Chancellor of the Exchequer, to make his financial statement for the year; and one feature of that financial statement was a proposition of two measures, the object of which was to mitigate the distress of the owners and occupiers of land. We might assume, therefore, that the interposition of the House had created the necessary harmony, and that the recognition of the distress of the owners and occupiers of land, which had been made by the Crown, was now logically followed up by the proposal of measures, by the Government, to mitigate, if not to remove, that distress. I enter, at this point, into no controversy as to the amount of possible effectual relief that was thus proposed. All I wish now to remind the House of, is this—that, after the Government had declared that it was not in their power to propose any measure the object of which would be to mitigate the difficulties and the distress in question, the House of Commons had expressed their opinion on the subject, and immediately afterwards the Government had made propositions with the object of mitigating those difficulties.

Sir, the financial statement of the Government met with a reception which, to use a moderate expression, was by no means favourable; and I am bound to say, speaking, as I hope I shall throughout these observations, that which I really believe to be true—I am bound to say that, as far as the quarter from which that opposition principally emanated is concerned, I think that the obloquy which the scheme of the right hon. Gentleman encountered was unjust. I think that financial statement—although, as far as my own views and principles are concerned, and the views of those with whom I have the pleasure of acting, we have a right to object to it—I think, as far as those who are the supporters of the right hon. Gentleman and of the Government are concerned, that they had very little cause to impugn the validity of the principles on which it was founded. It was in consonance with the principles professed by the Government, and with the principles professed by those who are the general supporters of the Government. But, Sir, having made that admission, which the right hon. Gentleman may make such use of as he likes, he is the last man in this House who will deny the fact, that his financial scheme was welcomed by his own friends in a manner not very flattering to a Minister of Finance. There was a great outcry in the country, and especially in the towns, against the Budget of the right hon. Gentleman. There was hardly any term of vituperation, any epithet of obloquy, which was not showered upon the Chancellor of the Exchequer. He was vilified, he was denounced—he was described as the Jonah that ought to be thrown to the surging waves, to save the perilled passengers, and that by one of his own most eloquent supporters. Indeed, it was generally understood, among all the Members of the liberal party, that, although they were prepared to make any sacrifice to keep the Tories out of office, still the *sine quâ non* of renewed adhesion to the present Ministry was, that the right hon. Gentleman should never again appear before that red box. Sir, amid this general discontent, one might peculiarly recognise that which I would describe as the metropolitan outcry—a peculiar clamour which has its characteristics—which threatens a great deal, but which generally does very little—which does not carry Reform Bills like Birmingham, or corn-law repeal like Manchester, but which always deports itself at a crisis in a very alarming manner—which always commences by announcing that it will "stop the Supplies," and invariably ends by supporting the Minister. But, Sir, if this were the state of the urban communities—if these were the manner and the spirit in which the propositions of the Government were welcomed by their habitual supporters, both in this House and in the country, what was the manner in which their proposition for alleviating the distress and assisting the difficulties of the agricultural classes—what were the manner and the spirit with which they were welcomed by the representatives of this class in this House and the country? Sir, on the evening on which the financial statement of the Chancellor of the Exchequer was made—that evening, when the right hon. Gentleman was denounced by his intimate supporters, and attacked by his most confidential adherents—my right hon. Friend the Member for Stamford (Mr. Herries), who took a lead in the observations on the Budget of the Minister, made no allusion whatever to the propositions that were brought forward for the alleviation of agricultural distress. If I may speak of myself—and I only speak of myself as evidence in the case — my mouth was silent; for I took no part in the debate. Two other county Members there were who certainly made some reference to the propositions of the Government. One of them was my hon. Friend the Member for Oxfordshire (Mr. Henley), who noticed the propositions of the Minister, but, with characteristic caution, gave no opinion upon them. The other was my hon. Friend the worthy Baronet the Member for Essex (Sir John Tyrrell), who, instead of disapproving of the propositions, shrewdly adopted the principal one with great approbation, because, as he very properly expressed it, it seemed to involve the concession of an important principle. That was the reception of the statement of the Government by Members on this side of the House; and, as for its reception by the agricultural community among our constituencies out of the House, certainly I should have a difficulty in selecting any terms of panegyric that were lavished upon it—that the right hon. Gentleman himself could not have anticipated; but I think I may defy even the researches of the Treasury to bring forward any expression of importance that condemned it. It was considered probably insignificant; but at the same time so little was expected from Her Majesty's Government, after the statement of the First Minister on the first night of the Session, that there was not any great disappointment on the part of that important class of the community who were prepared to receive any substantial measure for their relief with feelings of gratification and gratitude. Well, Sir, such being the state of the case—such being the condition of public business—important events occurred. There arose a Ministerial crisis. Public business was arrested and suspended for about six weeks. I throw a veil over that chaotic period, which has really nothing to do with the circumstances to which I am now calling the attention of the House. But after that interval of agitation and anarchy, the House of Commons, having recovered its usual sobriety of tone, was naturally very anxious to receive the financial statement of the Minister. Great difficulty was experienced in obtaining that result. Efforts were made from both sides of the House, from various and contending sections, and from all hues and shades of opinion. And after almost convulsive attempts on the part of the Government to evade the exposition, the day was fixed—the House assembled—and the exposition was made. Great anticipations existed in the public mind and in this House too, that there would be a considerable alteration in the scheme of the Minister. The Gentlemen who had described the Chancellor of the Exchequer as Jonah, naturally felt some awkwardness in coming into the House to support the same budget which they had thus complimentarily denounced. We waited in expectation. I give great credit to the right hon. Gentleman, that under the circumstances of the case, he mainly adhered to the financial scheme which he originally proposed. It showed moral courage—a quality which both sides of the House admire. But what surprised me most was, that in the alterations which were made, the only persons who were considered were those who had declared that the right hon. Gentleman was not worthy of public confidence, and that those alterations should have been made at the expense of that very party who had treated him at least with courtesy and with the respect that was due to his eminent position. On that occasion the right hon. Gentleman, in readjusting his scheme for the repeal of the window tax, which required a greater fund than had been originally at his command, found the requisite resources in a quarter that was unexpected, and in a manner that, I think, was unprecedented. The right hon. Gentleman wanted something like 200,000*l.* more than his original plan demanded; and what does he do? Why, he takes up his pen, and he scratches out the two remedial measures which were introduced to mitigate the distress and alleviate the difficulties of the suffering land of England. And then he gave as a reason—that the propositions were received in so ungracious a manner that he was resolved to show his sense of our want of gratitude.

Now, Sir, I have always thought that Ministerial propositions in this House were the result of grave councils and of mature deliberation—of Cabinet conference and communication; that they were suggested by a sense of public duty, by a large and unimpassioned survey of public circumstances, and that they were not brought forward in levity merely to gain party support: nor, on the other hand, were they to be withdrawn from a feeling of Parliamentary or personal annoyance, and in a tone of flippant caprice. But the fact, whatever may have been the motive, remains. The fact is that we were deemed so ungracious, who were only silent, that the relief which was proposed by the Government—proposed, I am bound to believe, after mature counsel, and from a sense of public duty—was withdrawn from us, and extended to, in addition to the great relief already projected and proposed and proffered, I will not say an adverse, but another interest, which had particularly distinguished itself for the hostile, the almost indecorous, manner with which they had treated the financial statement of the Minister. Why, the right hon. Gentleman had no right to expect gratitude from us. He had done very little for us; and if that little was received without any demonstration of peculiar gratitude, he can scarcely have been astonished. But according to his own principles he had a right to expect gratitude from his friends; for he attempted to do a great deal for them. But they who spurned him, in the recontruction of his budget have been treated with additional favour; and we, who accepted with silence, and at least with respect, his suggestions, have to submit, not merely to the withdrawal of that which was proposed for us, but absolutely to the infliction of a lecture in the face of the House of Commons and the country, depreciating our claims, depreciating our position, and announcing that if we had any claims we had forfeited them by our disrespectful conduct. But these, Sir, are slight considerations—although important in a certain sense—for all this time, remember, the interest thus treated is the interest which the Government are every night admitting to be the only suffering interest in the community—the interest which they have counselled their Sovereign to inform Her subjects was the one whose sufferings were recognised, and recognised alone; and the extra favours are extended to that portion of the community which, by the same organs and on the same authority, we are every night informed is in a condition of unprecedented prosperity. Now, I beg the House dispassionately to consider—yes, I beg Gentlemen on either side of the House dispassionately to consider the circumstances to which I have referred, the incidents which have occurred in this short but eventful Session. Is it or is it not true that the circumstances which I have detailed are an accurate narrative of what has occurred? Is it or is it not true that this distress of the agricultural interest has been announced from the Throne—that the instant after that the First Minister, notwithstanding the expectations thus naturally and necessarily raised, announces to the Parliament that the Cabinet can do nothing to remedy that distress? Is it or is it not true, that the House of Commons interfered in consequence, by a most significant intimation of their opinion that these remedies should be proposed? Is it or is it not true, that in forty-eight hours afterwards the Government brings forward a budget in which remedial measures are contained? Is it or is it not true that this budget is withdrawn, another budget introduced, and those remedial measures omitted? And I ask you—yes, I would ask any Gentlemen whose opinions of the principles on which our commercial code is established, may fairly and honourably differ from ours—as men of sense and men of honour I ask, How can you justify a course so contradictory, so inconsistent? I would ask them, Is it a course of conduct which tends to establish confidence in suffering classes? Is it not, on the contrary, a course that unnecessarily offends the feelings of that portion of the community that is labouring under such distress? Is it not one that unnecessarily would seem to imply that their claims are not weighed in this House in that spirit of justice which ought to pervade the survey and examination of the claims of all classes and interests? I ask them, Is it one which, however unintentional—and I am perfectly prepared to believe that much of this may have been the consequence of hasty and inconsiderate conduct—but I say, Is it conduct on the part of a Government of which any grave and well-conditioned mind can impartially approve? Now, I would ask the House, has anything occurred in the condition of the owners and occupiers of land since Parliament met, which authorises, on the part of the Government or the House, any difference of opinion as to their condition? Sir, no one can pretend that. On this head there is no doubt. Whatever may have been the cause—whatever may be our opinions as to the necessity or the inexpediency of the legislation which has occasioned it—still there is no man in this House who will deny that the condition, especially of the occupiers of land in the United Kingdom, is one of, I would say, almost unprecedented difficulty. Now, look at the main feature of the case. You have a diminution of rents, which, we are informed, may be taken on the average at the rate of probably 10 per cent. [An Hon. MEMBER: More!] I am told that it is more; but I wish to understate the case, and I say the diminution of rents in the United Kingdom averages at least 10 per cent. [Several Hon. MEMBERS: More!] Well, I don't know if it is more now; but this I know, that it soon will be. Take the rental of the United Kingdom at a very moderate computation—at a computation beneath that which is adopted by eminent statists—take it at 60,000,000*l.* for the United Kingdom, and you have there a loss to one class of 6,000,000*l.* a year. I do not say, whether they lose 6,000,000*l.*, or 12,000,00*l.* a year, that is the slightest ground for them to come forward and ask Parliament for relief—that is not the point that I am going to put before the House. Well, suppose you have, as you undoubtedly will have, a continued diminution of rents, I must remind the House that at a certain period, at a certain point of diminution, rent ceases to be a mere question of loss to the proprietor of land; and that when you have accomplished the diminution of rent in certain lands to a certain point—perhaps I may say 25 per cent—you must have, by an inexorable law of economic science, certain descriptions of other lands thrown out of cultivation; your cold clays and your thin uplands will go out of cultivation by any diminution of rent upon the richer soils that reaches probably to 25 per cent. Now, I am not saying that any diminution of rent *per se* constitutes any claim for any class to come to this House for relief; but I am not of that school who look upon a diminution of rent as an abstract accession to national prosperity; and this you will all admit, that a diminution of rent, even to the amount of 10 per cent, or 6,000,000*l.* a year, is a circumstance which has a tendency to create distress in the class which endures it. Now, look at the next class, the occupiers of land. I would take a very moderate estimate of the amount of capital invested in the soil by the farmers of the United Kingdom before that change in the law which has occasioned this diminution of their capital. I will take the net amount of the capital of the farmers of the United Kingdom at that which has often been stated, by very eminent authorities too, as the amount of the capital invested in the soil by the farmers of England alone. I will take the amount of the capital invested in the soil by the farmers of the United Kingdom at the time when the repeal of the corn laws took place, at 300,000,000*l.* sterling. Well, a third of that has disappeared. I do not mean now to urge this as any reason why the farmers of the United Kingdom should come to this House for relief; but it is indubitable evidence that the class which has undergone such vicissitudes of fortune must necessarily be in a state of great distress and difficulty. Well, we cannot suppose that since the public recognition of this difficulty and distress was made by Her Majesty in Her most gracious Speech, especially as that recognition was not made until the suffering had become chronic—we cannot suppose that anything has occurred, or is likely to occur, which will remedy that state of things. I think, then, I have established this, that if Her Majesty's Ministers are in the happy position of possessing a surplus revenue—if, as according to their own admission is the case, there is only one class, and that a very important one, in the country suffering great distress at this moment—if all other classes are in a state of unprecedented prosperity, it surely becomes Her Majesty's Ministers to consider whether, if they resolve upon a distribution of that surplus by way of remission of taxes, it is not in their power to remit taxes which may alleviate the distress, and mitigate the suffering of this class. And now, Sir, I have to consider whether it is in the power of Her Majesty's Ministers to propose, in the construction of their Budget, any measures that would have that tendency. I have, I admit, considerable advantages, which seldom fall to a Member speaking on the Opposition benches, in arguing this question. Her Majesty's Ministers cannot call upon me, though the task were unfortunately too easy, to substantiate the fact of distress. They have themselves given the most authoritative evidence upon that head; and it must have been after frequent councils, after profound deliberations, after lengthened and mature discussions, that they advised Her Majesty to make that declaration to the country. Therefore it was hardly necessary for me to advert to those important statistical circumstances to which yet, with the indulgence of the House, I have briefly alluded. I have, Sir, another great advantage to-night. I might have been asked, under ordinary circumstances, even if the Government admitted the distress, as they did on the first night of the Session—I might have been asked by Her Majesty's Ministers—what can we do? But I can hardly be asked that to-night, because Her Majesty's Ministers, during this Session, have themselves proposed measures to remedy this evil. The Ministers have themselves, after due consideration, of course, proposed measures to the House, the efficiency or inefficiency of which may be a subsequent question, the degree of remedy in which may be an occasion for future controversy and discussion; but the great fact remains, that, having deliberated upon the sufferings of the owners, and still more of the occupiers of land, Her Majesty's Ministers have devised a scheme which they have proposed to the House of Commons. Well, Sir, that is a very great advantage. Distress admitted by the Crown—nay, announced by the Crown; remedial plans not only suggested but proposed by the Government. Happy interest which finds itself under such circumstances! Well then, we have at once a measure—and this is the first to which I shall refer—the object of which is to relieve this distress, and which to a certain degree, in the opinion of the Government, is efficient for that purpose. It is the opinion of Her Majesty's Ministers that it is desirable, or rather that it was desirable, that the expenses incurred by the owners and occupiers of land for the maintenance of pauper lunatics should be borne by the community, which is generally interested in the subject, and that the tendency of such a measure, if it were passed, would be to relieve this distress. In making that suggestion, Her Majesty's Ministers acted upon the report of the Lords' Committee on the Burdens on Land—that temperate, that painstaking, that thoughtful Committee—the business of which was conducted by men of both parties, second to none in this House for their knowledge of the rural life and necessities of England; many of them men who were warm votaries of those principles of political economy which animate our commercial legislation. Yet it was the opinion of the Lords' Committee on the Burdens of Land, that the charge for pauper lunatics was one which ought to be removed from the land, and borne by the community. Her Majesty's Ministers, deliberating upon that suggestion, made a proposition to the House of a partial character, but entirely recognising the principle recommended by the Lords, the tendency of which was to mitigate this distress, and relieve this oppression. Well, then, we have a practical measure before the House for this object, no matter what its amount, no matter what its deficiency. I do not myself consider that the proposition of the Minister, in that respect, was by any means to be despised. I agree with my hon. Friend the Member for Essex (Sir J. Tyrell), that it conceded a great principle; and I myself, on a subsequent occasion reminded the right hon. Gentleman the Chancellor of the Exchequer of that, though he misunderstood the tendency of my observation. I valued the admission of principle made by that proposition of the Government, not because I would found upon that a precedent to remove from real property, and especially from the land, the care of the local taxes and local administration of the country—for there is nothing I more deprecate and should more deplore—but I valued it as an admission of the fact that the local taxation of the country, which is the consequence of that local administration, was a peculiar burden on a particular kind of property. That was the admission I valued, and it was one which might lead us to considerations of a very important character, which, notwithstanding, I shall not think it necessary to enter into on this occasion. Well, now I have placed before the House one very moderate, but eminently and essentially practical measure, the tendency of which would be to alleviate the distress of the agricultural interest, and especially—for I wish to confine my consideration to the excessive and overwhelming difficulties now experienced by them—the occupiers of the soil. This is a measure, mind you, sanctioned and approved by the Government, that has been submitted to their examination and mature consideration, and introduced to the notice of Parliament under remarkable circumstances, that prove how deeply they must have considered it, and how anxious they were to arrive at a satisfactory conclusion; because, deeply convinced as they were of the distress of the occupiers of the soil—notwithstanding the admission of the Sovereign—they had themselves declared their inability to apply a remedy, and it was only after a declaration of opinion on the part of the House of Commons, and frequent Cabinet Councils held, that their ingenuity was excited to concoct this measure of relief. There is another measure, moderate in its conception, but which, in the relief it gave, would be very much appreciated by the farmers of the country, of which I shall now remind the House. I am not now recommending its adoption, I am only going through the catalogue to show that it is not difficult to find such measures (of course, viewing them with reference to the means at our command), and this is one which has been already selected and adopted by the Government. Many leading country gentlemen of both sides, men well acquainted with our provincial life and wants, have suggested that, as already the community have undertaken the costs of public prosecutions, they should complete the relief afforded to the land in respect to this class of expenses, and defray the charge of maintaining the public gaols, of which as the advantage is derived, so the burden ought to be borne, by the whole community. I have not the exact amount of expenditure which would thus be saved to the interest whose claims I advocate; but this would be a measure, though moderate in its character, effective in its nature, which would be appreciated by the farmers. There are other measures which the Government might bring forward of a much more important character, which would have afforded great relief to the occupiers of the soil, and the adoption of which would not have interfered with any of the principles of our commercial system, or of our local administration. I have before me one of these. I want to call for a moment the attention of the House to the expenditure in this country upon the poor. The total expenditure on the poor in England and Wales, omitting the county rate, was by our last complete return about 6,200,000*l.* Less than 5,000,000*l.* of this sum was expended on the maintenance and relief of the pauper population of the country; while for other expenses immediately connected with relief, no less a sum was required in England and Wales than 1,300,000*l.* Now observe that the items which make up that considerable amount, are little, if at all, affected by the agency of our local administration; they consist mainly of the establishment charges, and of the fixed salaries of the 13,000 officers who exist in England and Wales, holding offices, all of which have been invented and created by our new laws. Now, if we apply the same examination to Ireland, we shall find a similar expense of about 370,000*l.* per annum. You will thus have altogether a sum of about 1,700,000*l.* fastened upon real property, and pressing grievously upon the land—in Ireland, entirely and especially on the land—and which is scarcely affected in any degree by that local administration and local government with which we are all agreed that it would be most impolitic and inexpedient to interfere. Now, the surplus of this year, amounting to 2,000,000*l.* sterling, would have permitted the Government to deal with this great subject; and it is my belief that if Her Majesty's Ministers had prepared a well-digested measure for this object—if they had met Parliament, after that important recognition from the Throne of the continued distress and difficulty of a most important class of Her Majesty's subjects, with a measure for its relief, they would have done far more than merely relieve a suffering interest from a great incumbrance — they would have laid the foundation of a temperate and remedial policy which would have adapted the cultivators of the soil in the united kingdom to the novel position and circumstances in which our recent, perhaps I may say our too hasty, legislation has placed them. You might have commenced a course of legislation the tendency of which would have been to put an end to that war of classes and that fatal controversy which is raging between the rival industries of this country. You might have commenced a vast system of remedial legislation, which would have done much to bring back the good feeling of the community; and you would have found all men of moderate views and temperate dispositions rally round you after such an effort; and although many might not have acknowledged that this your first step was equal to the occasion, they would have recognised in it an earnest endeavour on the part of the Government of this country to do justice to an important interest, which all men now acknowledge has been dealt with much too precipitately. It is not my intention to make such a proposition to the House, or even to intimate that by the Resolution I now propose I have any covert design of recommending it. I do nothing of the kind. I should have been happy to have supported the Government had they brought forward such a proposition; under ordinary circumstances, after the Speech from the Throne at the commencement of the Session, and with such a surplus in the Treasury, I would not have shrunk myself—if the Government had not advanced—from offering to the House an opportunity of initiating such a happy system of legislation. But circumstances have since occurred which render it, in my opinion inexpedient for me to propose, or even to support, such a measure. More than two months have now elapsed since the meeting of Parliament; the financial statement of the Minister was made eight weeks ago. It held out to an important class of the community the promise and the expectation of considerable relief from a tax very unpopular. Circumstances have caused the intentions of Ministers to remain for a considerable time before the community. Ministers themselves, again reinstated in power, have come forward and proposed again the same scheme with regard to that important tax, or rather a scheme still more calculated to attract popular feeling. The expectations of the community, therefore, have not only dwelt upon that plan, but they have dwelt upon it as a tolerable certainty; they have lately been accustomed to consider it as a gain entirely realised. I think it then most inexpedient to interfere with any arrangement which the Ministers have proposed with respect to the repeal of the window tax. But that is not the main reason which prevents me from offering an alternative proposition. Sir, I should act inconsistently with all I have said in this House—I should (which is much more important), act inconsistently with my profound and sincere convictions, if I took a step which would have the effect of doing that which I always deprecate and always attempt to avoid, namely, place a question before the House which would be essentially a question between town and country. The object of the humble efforts which I have made with respect to taxation, has been, if possible, to terminate that controversy, to soften those feelings, to put an end to that strife and rivalry between the great industries of the country, because I believe it has already been productive of great injury to the community, and because I sincerely believe it to be rife with very perilous consequences, if continued, for all the institutions of the country. Irrespective, therefore, of any other consideration, I never would consent to bring forward a proposition which would array the rival interests of town and country. I would never attempt to obtain that justice for the land which I will not deny that I am most anxious to accomplish, by such means and in such a method.

But it may be said, and has long been said, that there is little advantage, comparatively, to the land in attempting to deal with the sum raised by the levy of the poor-rates, because so considerable a portion of it is borne by other kinds of real property than the land. Let us examine that statement, which is so currently repeated from the benches opposite. In the first place, so far as Ireland is concerned, the remission of taxation to the amount of 300,000*l.* or 400,000*l.* would be purely a relief to the land of Ireland—that portion of the agricultural community which is probably the most suffering—for if in England we have distress—if in Scotland we have dismay—in Ireland we have desolation. As regards Ireland, then, the benefit would be considerable and deeply appreciated. But let us view the incidence of this remission of taxation in England, and we shall find the benefit scarcely less considerable. By the by, I am rather amused when, with reference to any suggestions I may have offered respecting a remission of the taxation on land, I am always met with the retort that I am assisting other interests than the land. It is singular that we who are twitted with being the champions of a particular class should still turn out, in every proposition we make for remission of taxation, to be fighting the battle of other interests than our own. Let me show to the House that the remission of taxation which will be effected by taking off this 1,700,000*l.* from the land, will be very considerable; and that the argument, founded by the Chancellor of the Exchequer on averages deduced from the aggregate of the poor-rate on agriculture, is one which the farmer, who is suffering from the burden of the poor-rate, never can comprehend. It is a fallacy. Observe the position of the farmer. He pays 5*s.*, 6*s.*, or 7*s.* in the pound for poor-rate; but he reads the newspaper, and finds that the Chancellor of the Exchequer tells him that the poor-rate is a slight burden on him, because the average in England is only 1*s.* 8½*d.* Why, Sir, averages are very well to guide us in research, but they are not materials upon which you can legislate; and such remarks only prove that it is easier to draw up a statistical table than it is to govern mankind. Go to the farmer who pays 7*s.* in the pound—and I am sorry to say we have many such—for poor-rates, and tell him that you have got a blue book in the House of Commons which proves that, instead of paying 7*s.* in the pound, the farmers on an average are only paying 1*s.* 8½*d.* in the pound. He will answer—"This may be political economy, but it is not common sense or English justice."

Well, Sir, I have now placed before the House three practical and unobjectionable measures for remission of taxation to the only interest in the country which, according to Her Majesty's Ministers, is suffering; and the only interest in the country which, in the Budget of Her Majesty's Ministers, is omitted. There is a fourth measure, not so extensive, but which would be received with the greatest favour by the farmers of the United Kingdom, and that would be to detach from the miscellaneous expenses connected with the relief of the poor, those expenses which are incurred for objects independent of local administration, viz., those which are purely incurred for establishment charges. These form an amount totally independent of local control. The fixed salaries in Great Britain at this moment amount to between 500,000*l.* and 600,000*l.* From the particular mode in which some classes of officers are paid—namely, by poundage upon the rates they levy, it is almost impossible to make an absolutely correct estimate; but I think we may safely take the amount of the salaries paid to the officers who administer the poor-law under the guardians—novel appointments remember, the consequence of the new law—at 550,000*l.* for Great Britain; the analogous expense in Ireland will be about 180,000*l.* On the whole, you will have to deal with a sum between 700,000*l.* or 750,000*l.*; but it would be a relief complete in itself, and, from this particular circumstance, calculated to obtain great favour in the eyes of the occupiers of the soil. That, then, is another measure which well deserves the consideration of Her Majesty's Ministers. What are the objections to it? It cannot be said of those charges that the land has been inherited subject to them, or purchased subject to them; they are charges invented in the recollection of many Members of this House, which would never have been placed on the land if the repeal of the corn laws had taken place in 1830. Why, except the expenditure for the maintenance of the poor—a vast sum, with which I am not proposing to deal, but which, I must remind the House, is borne by a particular class of property, and not by the community—all the other charges under the poor-law are of novel origin; and I must impress on the House—indeed, I would appeal to their candour—whether they believe, with respect to the multitude of local rates that exist, the taxation for registration of voters, for vaccination of children, and a thousand other miscellaneous purposes, that the owners and occupiers of land would ever have submitted to that remorseless taxation, had they not been in possession of that protective system, the merits of which I do not want to enter upon now, but the favourable consequence of which to that class you all acknowledge? That reason alone is one that ought to make us consider these subjects with a favourable eye. Well, I have now placed before the House four measures, moderate, practical, just, and beneficial, especially to the farmers, which it would have been in the power of the Government to have brought forward—the Government that acknowledges the distress of these interests in the Speech from the Throne—the Government that introduces a budget comprehending one of these measures—the Government that withdraws that budget and brings forward another omitting that remedial measure, yet all the time announcing that this is the only class of men who are suffering, whilst the other classes of the community, to whom they devote the whole of their surplus revenue, are in a state of unprecedented prosperity. The conduct of the Administration, since the beginning of the Session, is in fact an aggregate of anomalies which, I think, has never been equalled in the annals of Parliament. My hon. and gallant Friend the Member for Lincoln (Colonel Sibthorp) seemed the other night to imagine that I was interfering with the measure of which he had given notice for the relief of the farmers. I hope I am not in the habit of interfering with the positions which any Gentleman in this House may choose to take up on public questions; and I can assure my hon. and gallant Friend that he is the last man with whom I should interfere, because I have the greatest respect for him, and feel that no man is more entitled, from the consistency of his conduct, to advocate the cause of the farmers; but I must appeal to his candour, whether, in the Motion I make to-night, I in any way interfere with the notice he has given. An occasion will come when, legitimately, my hon. and gallant Friend may ask the opinion of the House upon the question he means to bring forward; and it will add another to the abundant anomalies which have marked the conduct of the Government, as affecting the agricultural interest. The farmers complain that they are required to pay a tax upon profits which do not accrue; my hon. and gallant Friend has proposed that the schedule which levies that tax shall no longer be enforced. Now, I should have thought that the Government would have met the difficulty by proposing that the profits of farmers should be ascertained in the same manner as those of traders are ascertained. I should have been extremely glad if they had made that proposition, because the consequence would have been that then a public demonstration would have been given to Her Majesty's Ministers of a fact of which they seem incredulous—namely, that no farmer in England at this moment is, I verily believe, making any profits at all. The proper way in which that question should have been met would have been for Ministers to consent that the profits of farmers should be ascertained in the same way as those of other classes; but as they have not proposed to do that, I think my hon. and gallant Friend may appeal to the justice of the House at least to permit the farmers to prove that they are not making any profit by the trade they are carrying on, and that they should be relieved from the preposterous arrangement, the continuance of which is now anticipated. In all the measures I have suggested for the consideration of the Government and the House, I have been most anxious to consider the incidence of these taxes on the condition of the farmers. The strain is upon their energies and resources, and they are the class which this House is bound most to consider. It would be as well if we remembered who are these men of whom we are in the habit of speaking with such frequent levity? I speak not of their numbers—I speak of their virtues. Whatever may have been the opinion of the House as to the policy or the impolicy of those laws regulating the entrance of foreign agricultural produce which we have abrogated, remember always this, that the farmers were not the framers of those laws, although they are their victims. Remember, I entreat the House, the position in which, by our legislation—right or wrong, politic or impolitic—we have placed that body, that important body of the community. Time, which has brought to them adversity, has also brought to them the occasion of showing to the nation, of which they are an important portion, that they possess great qualities. Reviled and traduced as they were during our too hot controversies, they have shown great energy and enterprise—they have shown skill and frugality; a patience never exhausted, and a perseverance never baffled. These are the men who come forward to ask you for your sympathy; these are the men whose sufferings were recognised by their Sovereign, which gave them hope; whose sufferings were attempted to be remedied by Her Ministers in a manner, however slight, at least imparting some expectation of relief. These are the men who, in the extraordinary contest in which they are engaged, in the unprecedented struggle which they are encountering, and in which they are involved, have, Session after Session, by the speeches of the right hon. Gentleman the Chancellor of the Exchequer, by the speeches of Her Majesty's Ministers in either House, by the speeches of eminent Members of the economic party before me, have been constantly encouraged to believe that a remunerating price to their toils and industry, and to the investment of their capital, was inevitable, was rapidly coming; that they had only to wait a little longer, to invest more capital in the land, to indulge in more enterprise, and to exert more energy; and that the inevitable result would be that they would find an ample and sufficient return for their industry and their capital. These are the men who year after year find themselves in a worse position; who year after year find that the more they invest their capital, the less is their return—the more they exert their energy, the less profitable and satisfactory is the consequence; these are the men whom the Chancellor of the Exchequer told the other night, not to look any longer for assistance from Parliament from countervailing duties or remission of taxation. And yet surely these are the men the great object of all our legislation as regards whom should be to lessen the cost of production, and to permit them to enter into this market of unlimited competition with every advantage; and when the rest of the community are asking for untaxed bread, to allow them at least to meet the demand with untaxed labour. Sir, I want the House, then, just before it is adjourned, just before we go to our constituents, to enable us to repair to them, bearing to the farmers of England the assurance that here they will find sympathy and justice. I ask the House to consider, in a spirit of fairness—and I appeal with as much confidence to Gentlemen opposite as to those on this side of the House—I ask them to consider all that has occurred in this Session with regard to that class. I ask Her Majesty's Ministers to consider, I ask them to reflect upon what has occurred within the last eight weeks; and if they cannot reconcile these inconsistencies to their conscience or their reason, that they will be manly enough, candid enough—I will say kind enough—to reconsider that course which they have pursued. I give Her Majesty's Ministers all the advantages which they can derive from the recollection of the difficulty which the distracted circumstances in which they have been placed has necessarily occasioned. I give them the credit of all these considerations. I am willing to forget the past, if Her Majesty's Ministers will only recur to the feelings with which they commenced the Session of Parliament, and will attempt to fulfil the purpose which they announced to the House of Commons that it was their intention to achieve. But, Sir, I have not yet seen, though I hope that I shall see, any disposition on their part to respond to that appeal. I do not know what Gentlemen, directly or indirectly connected with the land may feel on this subject; but when we left our friends at the commencement of this year, and came to this House, we left them, in their opinion and in ours, injured. After what has occurred, it will be painful for us to go back and feel that we can only say

"Injured you were when we left you, and now you have been insulted." But, Sir, I appeal with confidence to Gentlemen opposite. Do not let me be told, nay I feel confident that no one will presume to tell me, that, directly or indirectly, openly or covertly, I have, by the moderate suggestions which I have made, attempted to reverse our new commercial system. A Gentleman of great distinction in this House has, with reference to the most important suggestion that I have thrown out to the Government, on another occasion expressed his belief that far from having a tendency to reverse our commercial system, it had, on the contrary, a tendency to confirm it. Where is the line to be drawn with respect to the four measures that I have suggested, where the reversal of our commercial system commences? Will Her Majesty's Ministers repropose the measure for relief which they themselves introduced to the House? Is that a reversal of our commercial system? Least of all, Sir, do I hope that the spirit of the great departed will be evoked to-night, to stand between an abundant Treasury and the suffering farmers of the United Kingdom. Sir, because I feel confident that the resolution which I am about to place in your hands is conceived in a spirit of justice and of conciliation; because I feel confident that nothing has occurred which should prevent, from any sentiment of false shame, Her Majesty's Ministers from again reconsidering their Budget—and I need not remind the House and the Chancellor of the Exchequer that we have precedents for a reconsideration of Budgets, not simply threefold precedents, but instances more multiplied; because I feel confident that no sentiment of false shame should prevent Her Majesty's Ministers passing the holidays in that profitable contemplation of circumstances, and meeting us all again with good feeling and in good humour; because I am convinced that the course I have taken is one which the great body of the community, whatever their trade or calling, will feel to be the course of justice, of equity, and of conciliation; because I have studiously and sincerely resolved not to interfere with that great remission of taxation which has been mainly devised for the advantage of the towns, I appeal to the Members for the towns to assist their struggling brethren. I appeal to the towns to assist that most important and numerous portion of the middle class, the farmers of the country; that class who, we are told, have been deprived of one hundred millions sterling, which has been distributed amongst their constituents, and amongst those most intimately connected with them. It would be some consolation to us if we believed that the loss to the farmers had at least proved to that amount a profit to rival industries. I wish I could believe that it had. It is, Sir, because I feel assured that there must be a sense of justice and of sympathy amongst those who represent the trading community, whose claims have been so liberally recognised by the Government—a liberality to which I do not object, and an advantage which I do not grudge them, that I hope they will support me in this Resolution, and that by carrying it they will aid in terminating that sense of injustice, and soften those justly wounded feelings of honest pride, which I know animate at present the farmers of the United Kingdom.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in any relief to be granted by the remission or adjustment of Taxation, due regard should be paid to the distressed condition of the owners and occupiers of land in the United Kingdom,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LABOUCHERE: Sir, before I proceed to trouble the House with some observations upon the speech which has just been made by the hon. Gentleman the Member for Buckinghamshire, I will venture to remind the House of the nature of the Motion that is submitted to them, as well as to the time and circumstances under which that Motion has been made. Sir, the Motion of the hon. Gentleman is, "That in any relief to be granted by the remission or adjustment of Taxation, due regard should be paid to the distressed condition of the owners and occupiers of land in the united kingdom." Sir, that is so self-evident a proposition—that is a truth so indisputable—that, in point of fact, it amounts to a truism. Of course it is the duty of the House to give due attention to all the interests that compose the great community which we represent; and I am prepared to say, and I trust am prepared to prove before I sit down, that Her Majesty's Government, in the proposals which they have laid before the House—

while we have certainly not considered the agricultural interest exclusively (for I think that we should have deserted our duty if we had done so), have by no means neglected to consider the relief which could fairly and justly be given to an interest so important, and, in many instances, so distressed. I now must remind the House of the circumstances under which this Motion is submitted to them; it is submitted not as a distinct proposition, but as an Amendment upon the Motion of my right hon. Friend the Chancellor of the Exchequer, that this House should go into Committee to consider the substitution of a reduced house tax for the existing window tax. I must say that I was totally at a loss to understand what was the intention or the meaning of the hon. Gentleman in bringing forward such an Amendment as this to such a Motion as that of my right hon. Friend; and I listened with great attention to the speech of the hon. Gentleman, in hopes that I should derive some clue to the enigma presented to me by the Amendment. But I confess that that speech has left me in still greater doubt than that in which I was before. I thought, certainly, at one time, that the hon. Gentleman was going to bring forward counter propositions to those of my right hon. Friend—that he was going to say, "I object to your Budget, and I will give you a plan which I can recommend to the House, and which I think the House should adopt instead of that Budget." But although it is true that the hon. Gentleman did state other things which he thought should be attended to in the Budget, he sat down declaring that it was far from his intention to oppose the repeal of the window duty, and concluded by making a declaration which was altogether practically inconsistent with the House adopting the Amendment which the hon. Gentleman proposed to it. Under these circumstances, I cannot believe that the hon. Gentleman can be serious in recommending an Amendment of this kind to the House, when we are prepared to consider what should be the financial arrangements of the year. I cannot but think that he has taken this opportunity to give us—to use a term which he applied to a former speech of his distinguished Colleague, the right hon. Member for Stamford (Mr. Herries)—a "financial exercitation." Now, Sir, the hon. Gentleman began by stating that the Government had announced the existence of agricultural distress in the Queen's Speech; and he stated also that, having done so, we were bound to propose a remedy adequate to that distress. Why, the hon. Gentleman should recollect that Her Majesty, in Her gracious Speech, not merely acknowledged the partial distress which exists amongst the owners and occupiers of land, but that She also indicated the quarter from which she expected the relief for that distress must come. Her Majesty also stated that she trusted that in the continued prosperity of the general interests of the country, the agriculture of the country would produce some certain remedy for that distress which at the present time partially prevails with respect to it. But, Sir, the hon. Gentleman has all through his speech contended that this Budget was framed exclusively to gain popularity in the towns, and that it contains no substantial relief to any portion of the agricultural interest. Now, I will venture to say that if any Gentleman will carefully consider the proposals made by Her Majesty's Government, they will find that to the landed interest especially a very real relief is contained in this proposal; and I must remind the hon. Gentleman that we have the advantage on the present occasion of discussing the financial arrangements of the year, having previously discussed—and, indeed, decided on—those counter projects and counter arrangements, with regard to our finances, which have been proposed to us by the great party of which the hon. Gentleman is a very distinguished ornament. About other matters connected with these arrangements there is little dispute amongst us; we are agreed that there is a sum to be disposed of in relief of taxation amounting to about 1,500,000*l.*, and the real practical question before the House is, how that relief can be best applied. Now the right hon. Gentleman the Member for Stamford asked the House to apply that relief, not in any of those remissions which the hon. Gentleman (Mr. Disraeli) has just alluded to—not by taking on ourselves the payment of the poor-law establishments—not even by transferring the charge of the pauper lunatics from the county rate to the Consolidated Fund; but he proposed to give relief altogether by a remission of a portion of the income tax. Now I am prepared to state, and I challenge contradiction from any country Gentleman who has looked closely into this part of the subject, that in the proposals of the Government there will be found more real relief to the landed interest, and more especially to the tenant-farmers, than they could derive from a remission of a portion of the income tax. The relief given by the repeal of the window duty is one spread over all classes, and I value it the more on that account. It is a relief, in the first instance, that affects the landowner. I think that the substitution of a moderate house tax for a window duty affects the country gentleman who inhabits a house in the country with a great many windows, but of comparatively small aggregate value, to a very considerable extent. Every gentleman so circumstanced must be aware, from his own experience, how much he pays for window tax, and how little he will have to pay to the commuted house tax. I think my right hon. Friend the Chancellor of the Exchequer has already made a statement on this subject to the House; but it really has so important a bearing on the question, that I trust the House will excuse me, if I again call their attention to it. Forty-two houses, paying the highest amount of window tax, taken in six different counties, now pay 2,040*l.* for windows; but these houses will only pay 567*l.* to the commuted house tax, being a saving of 1,473*l.* upon these forty-two houses. Now, compare with this the relief given by the transference of the charge of pauper lunatics from the county rate to the Consolidated Fund. Under this head a charge of 150,000*l.* was at present borne by the real property of the country; but the House was well aware that, so far was this from consisting exclusively of land, that more than half of it consisted of other property. The whole amount of the rateable value of the real property being 84,000,000*l.*, it followed that, upon the transfer of this charge to the Consolidated Fund, every one possessing an income of 10,000*l.* a year would save 21*l.* Now, will any country gentleman possessing an income of 10,000*l.* a year—and I hope, for their sakes, that I am addressing many of that class—compare with this paltry sum the window tax which he pays on his house in the country, and which will be saved to him by the proposed commutation of the window tax into a house tax? When, therefore, the hon. Gentleman opposite makes it a complaint against us, that we have withdrawn a great boon from the landed interest—a boon which, if the hon. Gentleman set such store upon it when it was first proposed, he was most successful in concealing his feelings, it is our duty to point out the reduction which our scheme will give. Put it as a country gentleman's question, and say what has he gained as a country gentleman by the substitution of the house tax for the window duty; and compare that with the paltry sum incurred by the payment for pauper lunatics out of the county rates. I come now to the tenant-farmers, and I ask, whether they will be more relieved by the proposal of the Government to repeal the window tax altogether, or by the scheme of the hon. Gentleman opposite, somewhat to reduce the income tax in their favour? I have no doubt that any Gentleman conversant with the subject, who will take the trouble to go into the matter, will see that, to the tenant-farmers generally, but more especially to the poorer ones, the relief given by the remission of the window duty is much greater than it would have been by a small remission of the income tax. For the House must recollect that the income tax does not apply to any tenant-farmer renting a farm under 300*l.* a year. But what is the case with regard to the window duty? The exemption from window duty only begins at 200*l.* a year; so that there is a large and numerous, and at present not most thriving class, who would not be affected in any way directly by the remission of the income tax, who will be relieved by this remission of the window tax. I will also add, that few farmhouses, unless those that are large, are rated at 20*l.* a year; and, consequently, there will be many cases of total exemption under the commutation of the window tax into the house tax. So far with respect to the effect of this remission of the window tax with regard to the agricultural interest. I do not feel it necessary to go into the case as regards the dwellers in towns; for it is agreed on all hands, that, as regards them, it would be a most acceptable remission of a tax. But there is one consequence of a repeal of the window tax which is well deserving the consideration of the House, whether connected with the agricultural interest or that of towns—the effect it will have upon the sanitary condition of the humble classes of the community. It may be quite true, and I believe it was so, that these sanitary considerations were, in many cases, made the pretext for opposition to this tax, on the part of those who were much more anxious to relieve themselves from this pecuniary burden, than careful of the sanitary condition of the humble classes; but there was no reason why that which was a pretext to many should not be to that House a motive of the most important and valid kind. It was only the other day that I heard the opinions on this subject of one who, upon questions of this kind is the highest authority in this House—I mean my noble Friend the Member for Bath (Lord Ashley). In bringing forward his Motion to encourage the erection of model lodging-houses for the habitation of the poor in crowded cities, the noble Lord made this statement with regard to the effects which the remission of the window tax would have upon the comfort and well-being and upon the habits of those classes of the community:—

> "He wished also to bear testimony to the great value of the reduction in the window duty, and wished the Chancellor of the Exchequer were present to hear the result of the experience obtained by those interested in the model lodging-houses. The Streatham-street house contained suites of apartments for fifty families. If those suites were separate, there would be no window tax, but being under one roof, window tax became eligible to the amount of between 60*l.* and 70*l.* a year, adding 25*s.* a year to the rent of each set of apartments. The removal of the window duty would permit a reduction of rent from 7*s.* to 6*s.* 6*d.*, and so on."

I trust, therefore, that the House may congratulate itself that in remitting the window tax, which I trust they will do, not only will they confer benefits upon the landed interest (both the owners and occupiers of land) and upon the dwellers in towns generally, but that they will especially confer benefits of a most important description on the most defenceless and most numerous class of the community. Sir, it is true that the hon. Member for Buckinghamshire did bring forward no less than four proposals to this House; but I cannot understand him to say that he did more than throw out these proposals for future consideration. I did not understand him to say that he asked the House to vote for his Motion with a view of substituting these proposals for those of the Government with regard to the remission of the window tax, and of the duties upon coffee and timber. Now, I think that this is not a particularly legitimate occasion to enter into these considerations. The House has before it a distinct and definite proposal on the part of Government. Here is our financial proposal—a proposal which, though altered, and I conscientiously believe amended in its details, does not vary in its principles from those proposals which my right hon. Friend (the Chancellor of the Exchequer) at an earlier period of the Session submitted to the consideration of the House; and the practical question is, whether the House will agree to those proposals, or whether they will substitute for them others which they may think have a greater claim on their support. We have already had the first, the original, and of course the favourite proposal of the Gentlemen opposite. They asked us to apply this surplus to the reduction of the income tax, and not to the remission of the window tax, or of the coffee and timber duties. The House negatived that proposition; and the hon. Gentleman now comes forward with an Amendment couched in terms most difficult to understand, and which, if brought forward on a Tuesday or a Thursday evening, instead of on a Government night and as an amendment to a resolution for going into Committee on the Budget, no man could object to discuss; but he could not see that the Amendment contained any practical proposition whatever. Seeing then that the hon. Gentleman, as the leader of a great party, would not have brought forward this Motion as a mere empty proposal, meaning nothing, if it had not some practical effect, he was constrained to believe that the hon. Gentleman had some effect in view which he wished to produce by carrying this Amendment. Now, I cannot help thinking that these practical effects are very great and very considerable, and in my opinion very dangerous, and on that account I earnestly entreat the House not to agree to the proposal of the hon. Gentleman. The hon. Gentleman is constantly deprecating any discussion on the policy of our recent commercial legislation upon occasions of this description; but I cannot help thinking that, though he never mentions it on an occasion of this sort, it is at the bottom of his thoughts, for that is the only way in which I can attach any sense or meaning to such a proposal as he has now made. He says distinctly, "I do not object to your proposal, but I interfere with that proposal being practically carried into effect, by substituting for it some vague and indefinite words." Now, what is the object of this Resolution? It is to state that the agricultural interest of this country should be considered with regard to the taxation of that country. Why, of course it ought; no man in his senses would dispute a proposition of that sort. If the hon. Gentleman had adhered to his Amendment as originally proposed, which contained the words "in the first instance," and in which he proposed to the House to say that they should "in the first instance" consider the remission of the taxation of the agricultural interest, I can very well conceive an amendment of that sort; but then I am sure that the hon. Gentleman is too ingenuous to have told the House that an amendment of that kind would be consistent with our adopting the remission of the window duty, and the other proposals of the Government with regard to timber and coffee, which the Government had submitted to the House. But the hon. Gentleman, with more discretion than valour, retreated from that position. He found that the remission of the window duty was a thing that had taken deep hold on the feelings and opinions of the people of this country; that probably among his own ranks and supporters there were many hon. Gentlemen who were most unwilling to commit themselves in opposition to the remission of a tax of that description. I am not surprised at it: these things have been freely discussed within the last few weeks, and I have myself heard not only from gentlemen connected with the towns, but from gentlemen connected with the agriculture of this country, opinions which led me to believe that they attached great importance to a remission of the window duty; and I am very well aware how substantial and important a relief this remission of the window duty will in many cases be to their constituents. I am not, therefore, surprised that the hon. Gentleman should shrink from committing himself in opposition to a tax of that description; but I think, in that case, he was bound to have told us what he meant by the proposal which he has made to-night—a proposal of which I am at a loss to conceive the meaning. I cannot believe that the real intention of the hon. Gentleman was to oppose the Budget of the Government; but if that is the case, I think he would have acted a franker part by shaping his Amendment so that there might be no mistake on the subject, and that all who voted on the question should have known what they were voting for. The hon. Gentleman has deprecated the introduction of comments relating to the general prosperity of the country, and the general commercial measures on this occasion. I am not about to embark on that field of discussion. At the same time I think that on occasions of this kind, when, as I believe, the real object of hon. Gentlemen opposite is to reverse that policy, or to induce the House at least to stop in the career in which they have hitherto gone on, I think we should do wrong if we omitted any opportunity of reminding the House what the general condition of the country really is. The House will remember that since 1841, 10,000,000*l.* of taxes have been remitted, and 5,000,000*l.* have been imposed, and there has thus been a balance of taxes taken off of not less than 5,000,000*l.* Such, however, had been the buoyancy of the finances and commerce of the country during that time, that there was an excess of revenue of another 5,000,000*l.* During this period, the condition of the great bulk of the people, tried by any test that might be selected—whether by the amount of imports or exports, or the state of consumption or pauperism—the condition of the great body of the people had been singularly and remarkably prosperous. In the midst of convulsion and revolution abroad, there had been a period of remarkable political tranquillity and contentment amongst the people of this country. I do not deny that together with this state of things there has existed, and I am sorry to say still exists, severe, though I think partial and temporary, distress amongst the owners and occupiers of land. But the House will recollect that periods of as severe agricultural distress had occurred at least three times since the year 1815 under a system of protection; and I think that before the change in the corn laws there were symptoms in the agricultural districts of the country, which showed that even if no alteration had been made in the corn laws, severe distress would have taken place, because there was a state of transition necessarily going on in the conditions under which land can be cultivated in this country, which could not fail to produce temporary distress, though I trust that this state of things is calculated ultimately to place the agriculture of the country in a sounder condition than it was before. Under these circumstances, I trust that the House will negative the proposal of the hon. Gentleman the Member for Buckinghamshire: if it had no other fault than being a proposal of the vaguest description, pointing to no particular conclusion whatever, I think that should be a sufficient reason for the House to reject it at a time when the country calls upon them not to enter into a vague and general discussion of an abstract nature, but to pronounce upon what should be the financial arrangement for the present year. Those arrangements, on the part of the Government, were now before the House; they consisted in the remission of the income tax, and the substitution of a small house tax in lieu of it. I have already endeavoured to state to the House the reasons why I think the House will be justified in selecting that tax for remission on the present occasion. I think I have also proved to the House that it is not true, as the hon. Gentleman (Mr. Disraeli) seems to suppose, that any injury has been done to the landed interest by the substitution of an improved method of dealing with the window tax, and house tax, instead of the measures which were originally proposed with respect to the charge for the pauper lunatics and the duty upon cloverseed; on the contrary, we availed ourselves of the money that we were able to save by not giving relief in that direction, by improving the mode of the remission of the window tax, and the substitution of another tax for it; and in the general benefit that must arise from the alteration of the scheme, the landed interest will fully participate. The hon. Gentleman (Mr. Disraeli) said that he would support the scheme of the Government with regard to the window tax and the house tax; but I do not know whether he does or does not mean to support the proposal of the Government for a repeal of the timber and coffee duties. All I can say is, that if he entertains the opinions of the right hon. Gentleman the Member for Stamford (Mr. Herries)—opinions which I heard, with great satisfaction, coming from him—and if he is prepared to agree to the remission of the coffee and timber duties, and the scheme with regard to the house and window tax, it is clear that he will have no money to spend upon those measures of agricultural relief with which he has favoured the House. I shall not now go into the question of agricultural relief, on which there is much to be said, and which can be discussed at the proper opportunity; but what I say is this, that it should not now interfere with the decision of the House on a scheme with respect to which it appears we are all agreed. I would remind hon. Gentleman connected with Ireland that the remission of the timber duty is in no small degree a benefit to the agriculture of Ireland, for it must be a great advantage to persons in Ireland connected with that interest to be able to get timber at as cheap a rate as possible. I think the question before the House is one of the most simple description—it is whether we shall go into Committee to enable my right hon. Friend the Chancellor of the Exchequer to substitute a house tax for the existing window tax. I had great satisfaction in hearing the speech of the hon. Gentleman (Mr. Disraeli), because it would appear to me from it, that the objection which had been urged against the first proposal brought forward by my right hon. Friend the Chancellor of the Exchequer has been satisfactorily removed. I don't see how it is possible for the House, instead of going into Committee, to consider a general proposal of the kind, which the hon. Gentleman has brought forward, unless some practical intention is expressed. It is right the country should know what the hon. Gentleman intends. He has no practical scheme. He takes refuge in some unmeaning generalities, and goes into a variety of topics that have nothing whatever to do with the discussion. And I ask the House, are we to postpone the financial measures of the Government—measures which the whole country is waiting for with the utmost anxiety—to embark in a discussion of this vague character? I say, "Sufficient for the day is the Budget thereof." The proposal made by my right hon. Friend I believe to be satisfactory to the country, and that, so far from the agricultural interest not having due consideration, the proposed measures will, in effect, as they are intended, afford a considerable remission and relief to them.

MR. GLADSTONE: There are, Sir, before the House on the present occasion two plans of finance—that proposed by Her Majesty's Government, and that which has been proposed in a manner that, I must confess, I thought somewhat shadowy and vague, by the hon. Gentleman the Member for Buckinghamshire. The House has heard the statement of the hon. Gentleman the Member for Buckinghamshire, who, I presume, is well satisfied with his own plan; the House has also heard the right hon. Gentleman who has just sat down, who, I presume, is equally satisfied with the plan of the Government; and perhaps the House will now give a few minutes of its attention to a person in the unfortunate predicament in which I stand, that is, the predicament of not being satisfied with either one plan or the other, but who wishes to state to the House the reasons why he will give his vote for one of those plans in preference to the other, as containing the lesser amount of evil. On a former occasion, in the last Session of Parliament, I voted with the hon. Gentleman the Member for Buckinghamshire in favour of a Motion, I think, for going into Committee for the purpose of considering the subject of the poor-laws with reference to the relief of agricultural distress. I did not think then, nor do I now think, that the question of the alleviation of local burdens was a question that was unfit to be entertained under given circumstances by this House. I confess I had that impression from the tone adopted by the hon. Gentleman the Member for Buckinghamshire, and from the negative evidence that was afforded by the tone adopted by the chiefs of his party elsewhere about the same period; and I entertained the hope that those who had been friendly to the question of Protection, however they might retain their abstract opinions in its favour, were, notwithstanding, so convinced of the impossibility of restoring protective laws in the case of agriculture, that they were abandoned; and that they were disposed frankly to acquiesce in the policy this House deliberately adopted; and that, therefore, I was at liberty to regard them, not indeed as having formally announced any intention of the kind, but as having practically ceased to consider the restoration of protection as one of the objects of their exertions. However strongly I might think that I was at liberty to entertain that opinion in the last Session of Parliament, I feel I am not justified in entertaining that opinion now. With respect to the question of the alleviation of local burdens, I do not concur in the opinion that they shall only be entertained when there is the existence of a surplus; for if it were the means of promoting the final acquiescence of a great portion of the community in a system, which, though new, we believe to be vitally important for the happiness of the whole community, then I say if the alleviation of those local burdens could be the means of promoting permanent peace and harmony on a subject-matter of such importance, I for one am ready to entertain it independent of the question of the demonstrative existence of a surplus. The question we had to consider last Session was whether we should alleviate the local burdens of men who had enjoyed a certain advantage at the expense of the whole community, through means of a system of protection which benefited the landed interest, and the loss of which they substantially recognised as a fact beyond their power to recall, and, that being the question, I gave my vote for the Motion of the hon. Member for Buckinghamshire; but I cannot give him my vote on such grounds as he at present puts forward. We know it has been distinctly announced by a noble Lord (Lord Stanley) in another place, when called upon to form a Government, that it was his intention to propose to Parliament the imposition of a duty upon corn. The noble Lord was not then speaking his own individual sentiments, or outrunning the general opinions of his supporters; it is quite plain thot he was speaking in conformity with the opinions they entertain, and therefore I must take it for granted that the restoration of protection, in the shape of a protective duty upon corn, is a question they think it their duty to bring to a final issue, and upon which they will do all in their power to obtain the definitive opinion of the country. I deprecate that course, and cannot agree with the opinions on that subject which some hon. Gentlemen around me entertain. But at the same time if they entertain the conviction that the withdrawal of protection has been the infliction of an injustice on a great portion of the community, and that in the restoration of protection there would be no injustice, but, on the contrary, that there would be a great public benefit, it is impossible for me to make any complaint of their intending to bring that question broadly and fairly to issue. By all means let it be brought to issue by those Gentlemen; whether they be in opposition, or in the Government, let the opinion of the country be fully and finally pronounced upon it, and then, perhaps, at length it will be set at rest. In the present position of affairs I must decline to entertain the question of local burthens, on the ground on which they were discussed last year. If it be the fact that those burthens upon land and real property have been borne to some extent at least, in consideration of the existence of protection, then I say before I alleviate the local burthens, I must see what is to be done with regard to protection. For if you are going to restore protection, don't ask for the alleviation of local burthens. I am bound now to protest that I am not thoroughly satisfied with the Budget of the Government: and I am still less satisfied with the Budget of the hon. Gentleman the Member for Buckinghamshire. The right hon. Gentleman the Chancellor of the Exchequer, in his speech of Friday last, spoke with great force of the immense benefit that had accrued to the country from the reduction of taxes; and the right hon. Gentleman said that the taxes that press upon industry will have a great tendency when reduced to reproduce themselves. Nothing could be more just than the sentiments of the right hon. Gentleman—nothing could be more triumphant than the effects of those reductions upon the country; and if I found fault with the Budget of the right hon. Gentleman, my complaint would be that the principle found and proved in practice to be so beneficial, is applied by him in it on a scale so very narrow. In the year 1842, though one great purpose of the income tax was to supply a deficiency of 2,500,000*l.*, it also enabled the Government to effect the reduction of taxes upon industry to the extent of 1,500,000*l.*, which was offered as an inducement for the acceptance of the income tax. In the year 1845, when the income tax was renewed, the remission of taxes amounted to about 4,000,000*l.* [Mr. GOULBURN: To 4,500,000*l.*] The right hon. Gentleman says the remission amounted to 4,500,000*l.* I will not refer to 1848, because the renewal of the income tax was under peculiar and exceptional circumstances; but now, in the year 1851, we are invited to renew the income tax, not upon the ground of reductions of a beneficial character, reaching to 4,000,000*l.*, or to 2,000,000*l.*, or to 1,500,000*l.*, but on the ground of reductions amounting only to between 400,000*l.* and 500,000*l.*—I mean the reduction of duty on coffee and timber. That is one of my objections to the Budget of the right hon. Gentleman. I object to it because he applies on so narrow a scale principles sound in themselves, and beneficial to the country; and until you have completed your system the application of which ought to be the basis of your whole system of financial arrangements. That is one objection to the plan of the right hon. Gentleman; and the other objection is this—I don't object to the repeal of the window tax, for the window tax appears to me, as it appears to other Gentlemen, to be a tax bad in itself. The window tax is, in fact, a house tax; and while I consider that a house tax levied in respect of windows is a very bad tax, I am of opinion that a house tax levied in respect of value, is a very good tax; and its being a good tax is of vital importance, because you cannot exclude from your view the probability, nay the certainty, that contingencies may arise, and are likely to arise, which will render it necessary for public purposes to draw everything you can from the fountain of a house tax. The income tax is proposed to be renewed: is this income tax to be a permanent portion of our finances or not? I think there is a general opinion in this House that one of two things must happen, either that the income tax must undergo an adjustment, and the schedules be arranged in reference to various classes of the community, or some day or other it must fail. Now, is that adjustment so easy a matter? Two of the greatest men that ever handled the finances of this country—Mr. Pitt and Sir Robert Peel—have had their minds definitively directed to the object, and both of them have, upon principle, been deeply convinced of the impossibility of so adjusting it. They may be right, or they may be wrong. I am not now going into that question; but if we are generally agreed in opinion that the income tax must be so adjusted, or must fall, and if those authorities are against the possibility of adjustment, you are not secure in looking to 5,500,000*l.* of income tax as a permanent portion of your finances. But when that 5,500,000*l.* is withdrawn, how is the void to be filled? I do not think that any hon. Gentleman who hears me, at least if he be a practical man, can be so sanguine as to believe that you are likely to be able to bear the withdrawal of that immense revenue, and also to carry on more reductions in the elastic portion of your taxes, unless you keep in view the probability, if you wish it, of obtaining a considerable sum from a house tax. There are some objections to the plan of the right hon. Gentleman the Chancellor of the Exchequer, which I feel so strongly, on account of its connexion with the great question of the income tax, that I would gladly take every opportunity which the discussions of this House allow me, to refer to the plan of the right hon. Gentleman with respect to the house tax. I do not object to the rate of a house tax, but to the proposition for the exemption of all houses under 20*l.* The right hon. Gentleman proposes to lay under the pressure of that tax a large number of houses, and there are certain houses which he does not propose to tax; but though the Government propose to place the tax on such a narrow basis, other Gentlemen think it ought to be widened. Of course they do not ask the Government to extend the tax, for it is the constitutional duty of the Government to ask for the taxes, and it would be a bad precedent for us to force upon Government the acceptance of taxes for which they are not making a request. But I see the greatest difficulty in giving to the house tax that expansion which appears to me necessary under the circumstances in which the Government are placing it. That is a most important question. The right hon. Gentleman the Chancellor of the Exchequer has told us that there are 3,500,000 houses, of which he proposes to tax 400,000, leaving 3,100,000 untaxed. The right hon. Gentleman has, in another part of his luminous speech, told us that one of the reasons for a house tax was this—that it was really a tax upon property—that it did not belong in its ultimate incidence to the occupier, but to the owner, of the house. I believe Mr. Mill talks of it in that sense, and that it is a tax upon real property. The right hon. Gentleman says he substitutes this house tax for the window tax, but that it will only produce two-fifths, or less than two-fifths, of what the window tax now produces; and yet he places us in such a position that we cannot greatly extend that sum, for houses under 20*l.* are exempted, and we can only raise it on houses valued over 20*l.* It appears to me that a source of revenue of importance is by this means impoverished—I will not say entirely dried up, but it is impoverished for the purposes to which it is to be applied, in consequence of the plan of the right hon. Gentleman. I assume that if this House once pass a law authorising the taxation of houses over 20*l.*, and exempting those under 20*l.*, it is not likely that that exemption will ever be revoked. We must, if it be once adopted as a permanent portion of the law, consider that it is not likely or possible that it will be altered so long as the house tax is in existence. Believing, therefore, that you will find it impossible to promote the expansion of the tax, I entertain the strongest objection to this portion of the plan of the right hon. Gentleman. And I should be glad if this House would refuse to grant so great a boon even as the remission of the window tax, on such grounds as the right hon. Gentleman has put forward. Those are the main and principal objections which I entertain to the plan proposed by the Government; but I am in the condition that I must choose between the two plans that have been proposed, and therefore I will take that plan to which I have the least objection. With respect to the plan of the hon. Gentleman the Member for Buckinghamshire, I am afraid both my objections apply more fully to the Budget he has presented. The hon. Member says he accepts the plan of the Government with respect to the window tax and the house tax. I did not hear him make the slightest objection to them; on the contrary, he said, under the circumstances of the country, they were entitled to the acceptance of the House. Now all my objections to the house tax do not equal my objections to the Budget of the hon. Member for Buckinghamshire. The principle of reducing taxes upon consumption and upon articles of industry is one which I think vital for the wellbeing of the country. That principle has only found a limited application in the Budget of the Government; but, unfortunately, it is totally cancelled and erased in the Budget of the hon. Gentleman the Member for Buckinghamshire. It is a significant fact that in the course of the hon. Gentleman's speech we did not hear these two words pronounced by him—coffee and timber. I understood the hon. Gentleman to say that he agreed to the reduction of 1,150,000*l.* caused by the substitution of a house tax for the window tax. He does not propose to disturb that, though if he had the construction of a Budget he might possibly proceed on a different basis; but he sat down without saying anything against a portion of the surplus of 1,900,000*l.* being put down against the item of 1,500,000*l.* the amount of the window tax. The hon. Gentleman also referred to the salaries of the poor-law officers, 550,000*l.* in England, and 160,000*l.* in England, making together 710,000*l.* If those sums be added, they make 1,860,000*l.*, leaving but a very small margin for a balance. That is the Budget of the hon. Gentleman. [An Hon. MEMBER: The lunatics.] As to the lunatics, I am afraid there is no room for them. What I wish to point out is this, that the whole principle of the reduction of duty on articles of consumption and the raw materials of industry, disappears entirely from the Budget of the hon. Gentleman. Now I cannot consent to vote for the renewal of the income tax on any such Budget as this. The satisfaction with which the House should agree to the renewal of the income tax must vary according to the greater or smaller extent to which that principle is applied. If it were applied on a larger scale, I should have greater satisfaction in acceding to any Motion for the renewal of the income tax. I make my complaint that it is applied, in the Budget of the right hon. Gentleman the Chancellor of the Exchequer, on a scale so narrow; but in making that complaint I must declare the preference I entertain for the Budget of the Government in comparison with the Budget of the hon. Member for Buckinghamshire. If the plan of that hon. Gentleman received the sanction of the House, we should for the first time proceed to vote for the renewal of the income tax, without receiving as compensation one jot or tittle of that kind of remission from Parliament which has proved from experience so beneficial to the Treasury, and is connected with that system of policy and legislation which all men were now agreed in believing is so vital to the wellbeing of the country.

Mr. STAFFORD had heard the speech of the right hon. Gentleman who had just sat down, with regret, but not with surprise. The intellect of the right hon. Gentleman was subtle, and his position so difficult, that it could hardly have been expected that he would have done otherwise than come to an adverse vote as regarded that class whose distress he nevertheless acknowledged. The right hon. Gentleman said, that the circumstances were different now from what they were when he voted in favour of the Motion last year. He asked whether the course the Government had been pursuing was one likely to induce the suffering class of the community, whose case was before the House, to desist from their demands? The Government had admitted the distress under which the agricultural classes were suffering; but they had taken no steps whatever to relieve them from these distresses, or to take off any portion of the burdens that pressed upon them. It was in vain that they professed their anxiety to do justice to the agricultural interest, if they continued to treat them with so much contempt and neglect, or held out to them little or no hope of measures of amelioration for the future. The right hon. Gentleman had told them that the ablest financiers had been unable to adjust the income tax properly or equitably, and that without that tax he did not see how the large hiatus in the revenue occasioned by the reduction of the window tax was to be filled up; and he therefore voted for that most unjust and inquisitorial tax which, under existing circumstances, he saw no probability of being taken off. It was somewhat extraordinary that the pundits and philosophers of modern times, in their notions of political economy, should find it impossible to agree with any one: the right hon. Gentleman, who was unable to agree with the hon. Member for Buckinghamshire, was also utterly unable to agree with the scope and plan of financial policy of the Government. If no other reason had existed for the Motion brought forward by his hon. Friend the Member for Buckinghamshire, the speech of the right hon. Gentleman the President of the Board of Trade, would be a sufficient justification of it. The right hon. Gentleman came down to the House, supposing that an attempt was to be made to reimpose the window tax, and had burst into an extravagant eulogy upon the Government plan. But although he had claimed the measure as a great boon to the agricultural classes, he forgot that those farmers whose rents were under 200*l.* paid no window tax. In his eulogy, also, he had entirely forgotten to advert to that portion of the plan proposed by the hon. Member for Buckinghamshire which had reference to Ireland, the most distressed portion of their agricultural population. Confining his attention to the English farmers, he appeared to have forgotten that, whereas there was in that country a large amount of trade, commerce, and manufactures, in Ireland, the population was dependent almost exclusively upon land, and they had the least reason to be thankful for the hasty and violent change which had been made in their commercial and financial policy. It became his (Mr. Stafford's) duty, as the representative of a merely agricultural constituency, to state plainly on this occasion the feelings of those he had the honour to represent, and the course of conduct they were likely to pursue if Parliament should continue to disregard their complaints. It was allowed on all sides that amid the general prosperity there was one class of the community, the class to which his constituents belonged, which was suffering severely. It was in vain for the Minister to put words in the Speech from the Throne, expressive of a hope that those sufferings would be but transitory, when they adduced no ground for entertaining such a hope. The prosperity of the manufacturing and other classes was made the theme of congratulation; but the farmers believed that that very prosperity was founded on their own ruin, and they felt that the present price of agricultural produce was not sufficient to meet the capital they had invested, the labour they employed, and the taxes that were demanded of them. With regard to the subject of prices, there were three positions in which that question might be taken. If it should be said that agricultural prices were remunerative, he would then ask, whence the distress existing among the agricultural classes? If, on the other hand, it should be admitted that prices were unproductive, then he would ask, what reason was there for believing that circumstances would change and make prices better? But if, finally, it should be said that it was not the business of the Legislature to arrange prices, but that they must be left to find their own level (and that was what he expected would be said, because it was consistent with the present policy of the Government)—then to that proposition he would venture to address a few observations. Of late years one Ministry had been destroyed, and another had been kept in power, by the cry of free trade—a cry which the present Ministers never failed to resort to with great effect. Every executive failure and every financial blunder was excused on account of the cry of "free trade." The Protectionists were held up as a terror; and the caution of hon. Members opposite was, "Take care what you do in opposing the Government; for, if they are defeated, the Protectionists will come back, and you know not what they may do when once they resume office." Even the hon. Member for Montrose (Mr. Hume), though in general he had shown himself above such petty artifice, was sometimes frightened by this cry of "Wolf!" After all this experience, however, the people were at length beginning to ask what was free trade? They had been told that the opposite principle was both dangerous and vicious—therefore, what was free trade? Was it the abolition of all foreign custom-houses? Was it, as the hon. Member for Oldham once said, as free as the winds that wafted his vessel on the wave? Was it the abolition of our own custom-houses? How could that be said, when 22,000,000*l.* of money were still raised by Customs duties? Was it the repeal of the duties on the primary necessaries of life? Not at all, for there were Customs duties on cheese, butter, tea, and other articles, yielding a revenue of between 9,000,000*l.* and 10,000,000*l.* sterling. Was it the freedom of their inland trade? Could they, in this land of commercial liberty, do what they pleased with their own products? Did the ironhanded and inquisitorial exciseman never interfere? The answer was, that 13,000,000*l.* of revenue were raised by the Excise duties. Was it an entire freedom of duty on their cereal productions? The hon. Gentleman the Member for Leominster (Mr. F. Peel) had recently called attention to the fact, that a considerable revenue was derived from the duty on cereal products, which duty was equal to 2½ per cent at the present prices. As, then, free trade was not any of these things, what was it? He would tell the House what he believed it at this moment appeared to be to a great portion of their fellow-subjects; it appeared to them to be a most novel and a most odious system of class legislation. It appeared to them to be an experiment to try how much injury, how much indignity, how much insult one class of the people—and that the most numerous, the most ancient, and not the least loyal class, would bear before they were driven to desperation. The farmers of England would answer that question for themselves very shortly. If Parliament permitted them to go on, as they were permitting them now to go on, without any relief from their sufferings, or anything more than mere wordy sympathy, they would set about adjusting that question for themselves. And for what was all this sacrifice demanded? To procure cheap bread for the people. But what was dear bread? It was but lately that the attention of the House was called to a particular spot within 24 hours' distance of this metropolis, where the cost of maintenance for an individual was stated to be 11¼*d.* a week. Was that dear bread? And yet from that very district there arose the cry of famine so loud, and the details of those who were dying in that district were so appalling, that the Government were called upon to exercise extraordinary powers in order to arrest so dreadful a calamity; thus showing, for the thousandth time, that the question of dear or cheap bread was not merely the price of the article, but that it depended upon the means possessed by the consumer for obtaining it. He was aware that all the information possessed by the House showed that the community at large, with the exception of the agricultural class, possessed these means; but was that a reason for refusing to listen to the claims of those who were alone suffering? He did not ask the House to repeal any particular class of taxation; all he asked was, that the peculiar difficulties of the agricultural class should be taken into consideration. He would venture to assume that they would not do that justice to the farmers. Taking the case, however, that the House passed the Resolution of his hon. Friend, of course a feeling of satisfaction would be diffused throughout the agricultural districts. But what if the House should refuse to pass it? This was not the first time he had called attention to this part of the subject. Recent circumstances had shown to those who watched the signs of the times that some things less likely to an incredulous imagination might happen than this—that the farmers of England might refuse their further confidence in those who at present possessed it, and that they might select from among themselves, or from other quarters, candidates who were pledged to a reduction of taxation at all hazards. To justify the course pursued towards the agricultural class, it had been argued that other interests had been compelled to submit to lower prices and smaller profits. But that argument would not silence the farmers. The only effect of lowering prices would be to raise the value of money, and thus enable speculators to still more glut the markets than at present. How, he asked, did they who were prepared to support the public credit propose to deal with a discontent engendered by distress and goaded by despair, if the sufferers should turn to other and more violent remedies than what others might choose to contemplate? How would they deal with them if they put into the hands of the farmers the argument that the plighted faith of Parliament had been broken with the cultivators of the land? It might be then, and more especially if the newly-intended Reform Bill purposed to swamp the agricultural districts of England—it might be, if the design was to make the voice of the towns omnipotent even in the rural districts—it might be, that though Parliament might swamp them for all purposes of conservation, it would only make them still stronger for purposes of dishonour. If that which was now talked of at market tables, and which was brooded over by men of broken hearts and broken spirits, should eventually come to pass, Parliament would not have to blame him, and those with whom he acted, who had warned them of it. He and his friends had counselled hon. Gentlemen opposite to turn their attention to this subject, and, though they might not re-enact the import duties, at all events not to yield to those mobs who, the right hon. Gentleman stated, were ready to hiss at the very notion of public honour. He called upon the House to show, by their votes, by their taxation, and by their legislation, that they still believed that the farmers of England had a right to their kind sympathy and commiseration. It would be the part of Parliament to maintain the public credit and the institutions of the country; but it might be that, neglected as they were and had been, the farmers might take the cause into their own hands, and hon. Gentlemen might too late regret the course they had pursued, and might at length discover that the agriculturists of this country formed too large a class to be ruined without involving in their ruin that of all the best interests of the country.

Mr. ALCOCK would remind the House that when the repeal of the malt tax was introduced last year by the hon. Member for the North Riding of Yorkshire (Mr. Cayley), the hon. Member for Buckinghamshire (Mr. Disraeli) not only voted in favour of the repeal of that tax, but spoke most earnestly and forcibly in explanation of the grounds of his vote on that occasion; saying that public credit must be at a low ebb if it could not afford to lose 5,500,000*l.* Upon a more recent occasion also, he (Mr. Alcock) found the hon. Member for Buckinghamshire supporting the Motion of the right hon. Gentleman the Member for Stamford (Mr. Herries) on the subject of the income tax. The truth was that the hon. Member for Buckinghamshire was the greatest financial reformer in that House, for he asked the House to throw away not only the 5,500,000*l.* raised by the malt tax, but also the 5,500,000*l.* raised by the income tax, amounting together to fully one-fifth of the entire national income. He found, moreover, that the hon. Gentleman was not only inconsistent in supporting those two propositions, but he was also altogether at variance with those with whom he was supposed to act on this occasion. Lord Stanley and the right hon. Member for Stamford (Mr. Herries) were much too cautious, wary, and practical men and politicians to allow themselves for a moment to stand by such propositions as these. Therefore it was on this occasion that he (Mr. Alcock) would vote against the proposition of the hon. Member for Buckinghamshire. He did not, however, take that course, because he did not feel interested in the case of the agriculturists, but because he did not choose to be one of the followers of such a leader—a man whom he had proved to be totally inconsistent, and who stood self-convicted of political dishonesty.

Mr. J. SANDARS said, it could not be denied at the present time that the landed interest was suffering severely, owing to its having been placed in unrestricted competition with all the world. If he could believe, with the hon. Member for Buckinghamshire, that that interest was at this moment suffering under the weight of unfair burdens or undue taxation, he (Mr. Sandars) would be one of the first in that House to support the Motion before them; but he believed, on a full and minute examination of the whole system of taxation in this country, that the landed interest was not unfairly or unduly taxed; he therefore felt it his duty to oppose the Motion. At all events, he declined to enter into the subject of the removal of local burdens, unless there was a distinct understanding from the Protectionist party that they were prepared to relinquish all idea of an import duty upon corn. How could he (Mr. Sandars), representing as he did a commercial community, vote for a Motion which would prevent his constituents receiving the advantages of the removal of the window tax, and the remission of the duty on coffee and foreign timber? It was very currently rumoured that the Protectionist party in that House were not disposed to abandon this question, but wished to keep it alive to be considered as an open question by a Parliament hereafter to be elected. A noble Lord (Lord Stanley) had issued a programme of his intentions, in which he indicated his policy to be to reimpose a system of import duties in this country. He (Mr. Sandars) thought such a proposal as that involved a most dangerous principle; and if a great party was to be established in this country on such a principle he was hardly surprised to observe the noble Lord confess that he could only find one Gentleman of sufficient parliamentary capacity to lend his aid to such a policy. A system of import duties had been tried and found wanting; and no later than 1840, when there was a large deficit in the public finances, and when trade and commerce were at the lowest ebb, the right hon. Gentleman the then Chancellor of the Exchequer proposed an increase of 5 per cent on the import duties of this country. What was the result of that measure? Did it answer all the then Chancellor of the Exchequer's expectations? That right hon. Gentleman thought an increase of 5 per cent on the Customs and Excise duties would enhance the revenue by 1,895,000*l.* Was that the case? No. The only increase that accrued to the revenue from that step was 206,000*l.* "I cannot," said the late Sir Robert Peel, in 1842, "consent to impose a greater amount of taxation on the articles of consumption of the labouring classes of this country." The policy of the House for the last ten years had proved the wisdom of that course, for during that period 10,000,000*l.* of taxes have been repealed, and yet the revenue has increased, and is now in a most prosperous condition. Could any one believe that the House would retrace its steps on this question? He would ask hon. Members to look at the fearful consequences which would result to the commercial classes in the country if their powers of competition with foreign nations were weakened or crippled. If that large portion of the community did not spin and weave for the four quarters of the globe, the subsistence and happiness of millions of our population would be destroyed. That competition went on day by day and year by year increasing in force and intelligence, and formed the great social question of our times. If adequate provision were not made for that class of the population, there must be danger. There had been statesmen who believed that the true solution of their difficulties was the making new markets for our products, the admitting the raw materials of those products untaxed, and cheapening the subsistence of the people. He was of that opinion. There was, undoubtedly, distress among the agriculturists, for distress there must be in the transition from a position involving national injustice, to one which was just and equitable. Distress among the landed interest was no new thing, even in times of protection. Such distress existed in the time of Lord Castlereagh and Lord Sidmouth, when the whole aim of the Government was to protect the landed interest by a system of import duties. Even as late as 1840, when we had high import duties and high prices, we had a discontented people. At that time the potteries were in insurrection; then ten thousand men threatened the peace of the north, and it required all the forethought of the Minister of that day to provide for the public safety. He (Mr. Sandars) believed that the history of the last few years had made a deep and lasting impression on the people of this country. The people of England and Ireland felt that, owing to the legislation of Parliament, the lives of thousands had been saved, and the sufferings of tens of thousands had been alleviated. That legislation had given contentment to the poor man, prosperity to the middle class, and security to the rich. He should fear for the continued success of that legislation if the Motion before the House should be adopted, because he believed the policy involved in that Motion was at variance with the sentiments, the wishes, and the intelligence of the people of this country: he should deprecate the introduction of the schemes of the hon. Gentleman the Member for Buckinghamshire, because he believed they would have a tendency to lower the aristocracy and gentry from that high position they now so justly occupied in public esteem; and, lastly, he should regret his success, because he believed, in his heart, it would undermine and destroy that confidence in the justice and benevolence of Parliament, which now reigns throughout the masses of the people.

Lord J. MANNERS said, the hon. Member for East Surrey (Mr. Alcock), had told the House that he should oppose the Motion on two grounds: first, that the hon. Member who brought it forward, had last year voted for the repeal of the malt tax; and, secondly, that the hon. Member had this year proposed the repeal of the income tax. Those were the two reasons upon which the hon. Member for East Surrey had opposed the Motion. Unfortunately, the first of them was totally irrelevant, and the second utterly untrue. The hon. Gentleman who had last spoken had given the House an agreeable, and, to a certain extent, a valuable exercitation on a vast variety of events which had taken place at a remote period of English history, and many, no doubt, in themselves proper subjects of investigation, but which had no conceivable reference to the question now under discussion, and to which he (Lord J. Manners) desired to recall the attention of the House. What was the position of the Government, who opposed the proposition of his hon. Friend (Mr. Disraeli), and that great suffering interest whose distress they admitted? Commencing the Session with a declaration that the agricultural was the only suffering interest in the community, they had since acted as if it were the only prospering one. Like men who looked one way and rowed another, they met the untoward result of now "fouling" a barge, and now "running aground." If they were the only sufferers by such a course—if their state vessel alone were damaged by the catastrophe, he should not complain; but what excited his indignation was, that the yeomanry of England and Ireland should suffer from these discrepancies between the professions and the acts of the Administration, and that it was on the agricultural interest of the empire that the consequences of these misdoings fell. He was the more surprised at this conduct of the Government, because never a winter elapsed but some great Whig took especial pains to instil into the agricultural mind an impression that the Government were resolved to do something to mitigate their distress. One year it was a bed-chamber Lord who summoned the yeomanry, and confidentially asked them if they would accept a moderate fixed duty. Another year it was an exalted personage, high in the confidence of the First Minister, who gave people to understand that a moiety at least of the Cabinet were prepared to do something for the distress they all admitted. This year, with that admission of distress in the Speech—full, clear, explicit, and unlimited—with that surplus in the Exchequer—even the most incredulous were led to believe that if the Government, compelled by past professions, or acting conscientiously on their own convictions, were indisposed to propose a fixed duty, or even to accede to the just and moderate proposal of the hon. Member for Buckinghamshire, at least they would apply the surplus they boasted to the relief of the distress they deplored. And that general conviction received still greater strength from the tone in which the right hon. Gentleman the Chancellor of the Exchequer opposed the Motion of the hon. Gentleman (Mr. Disraeli); for the right hon. Gentleman complained of the time at which it was brought forward, just before he was to unfold his budget, in which he hinted that balm would be found for the wounds of the suffering agriculturists. And balm there was—more efficacious than the Balm of Columbia—a happy concoction of cloverseed and pauper lunatics. No one after that could pretend to say that he was not a sincere friend of the suffering agriculturists. Yet the right hon. Gentleman's friendship was not much to be depended on, for when the smallness of his relief was complained of, he withdrew in anger what he had granted in compassion. Now, what was the vote which the hon. Member for Buckinghamshire asked the House to give? Stripped of the extraneous considerations with which the perverted ingenuity of the right hon. President of the Board of Trade and the hon. Gentleman who had just sat down had invested it, it was this—Will the House vote that justice shall be refused to that one interest of the community which is admitted to be suffering, or shall it, at least in principle, be conceded? Now, the Government, speaking by the right hon. President of the Board of Trade, had given the House to understand that they would consent to no measure of justice, to no mitigation of the distress of that interest whose distress they admitted; and the right hon. Gentleman told that half ruined and suffering agricultural interest that it must look for relief in that charming paragraph of the Queen's Speech. This reminded them that if in that paragraph the distress was admitted, the true remedy and consolation were also pointed out. And what was that? It was couched in language almost epigrammatic. "The suffering interest of agriculture must find relief in the reaction consequent upon the prosperity of the manufacturing classes." Before proceeding further, he begged to call the attention of the House to the extraordinary programme which the hon. Member for Westbury (Mr. J. Wilson), put forward in a publication at the commencement of this year, as a guide to farming operations in England and throughout the world. Another twelve months of distress had passed over the heads of the farmers of England and Ireland, and at the commencement of the present year—a season at which men are accustomed to associate pleasant anticipations with the retrospect of the past, the hon. Member conceived it to be a favourable opportunity for accounting for the failure of the legislation he supported, and of cajoling the men whom he had contributed to ruin. The hon. Member wrote thus on the 11th of January last:—

> "The disappointment which we must admit has been generally felt in our corn markets throughout the year, has been shared on the Continent. 'The hopes and expectations,' say Messrs. Hoyock, of Amsterdam, 'which persons believed they might form of 1850 have not been realised.' What is true of Amsterdam is equally true here, and it indicates when men have been generally mistaken—

Here he (Lord J. Manners) must remark that as Mr. Woodward had not been "mistaken," and as a great party in and out of that House had not been "mistaken," for "men" they must read "freetraders"

> —"that some general cause has been active, not a local cause, such as the alteration of a law, in leading them generally astray. Probably the great discussion about that law may have had more effect than the abolition of the law itself. It begot a general notion that when the law was abolished, England could supply a market for an indefinite quantity of corn; and as the abolition of our law was known before it actually took place, a great quantity of corn was grown in preparation for our market. From that over-production, or more production and lower prices than are justified by the average markets, or can be maintained, our markets, and the markets of all the world, are now temporarily depressed. The present rates, however, are not likely to be permanent rates, and if they are, merchants and agriculturists in almost all parts of the world will be deceived as much as the corn-dealers of England."

That was what the hon. Member for Westbury wrote on the 11th of January this year, and no one could doubt that on the 11th of January, 1852, the hon. Gentleman would again come forward and profess that he was again "mistaken," and console the ruined agriculturists by hinting that the agriculturists of other parts of the world were equally unfortunate. But was there the least reason to believe that prices would rise, as the hon. Member gave the country to understand? He would not enter into that question, but would come to the declaration of the right hon. President of the Board of Trade, that the agricultural interest must look for relief alone to the continued prosperity of the manufacturing interest. Now, for the purpose of debate, it had been all through the Session admitted that the manufacturing prosperity was real. It was true, indeed, that on a recent occasion the hon. Member for the West Riding (Mr. Cobden) had found it convenient, no doubt in perfect consistency with the truth, to qualify in a most remarkable manner these statements of prosperity, and that, in almost every trade circular that had been published during the last three months, there were pregnant and signal admissions of distress and depression. But, for purposes of argument, he was willing to admit an unbounded degree of manufacturing and commercial prosperity. When, however, he was asked to look for relief of permanent agricultural distress to manufacturing prosperity, he must assure himself that not only it was as great as had been represented, but that it was based upon a firm foundation, and was likely to endure. Now he confessed that he could not bring himself to believe that manufacturing prosperity, however great it might be at present, was based on so secure a foundation. Neither could he see his way to the conclusion that even if that prosperity were secure and permanent, it must necessarily react favourably on agriculture. Under former circumstances such would have been the result; but now an immense amount of proof would be required to demonstrate that English agriculture would derive permanent benefit from the prosperity of the manufactures of Yorkshire and Lancashire. Was that property, however, so secure and permanent as the argument of the Government required it to be proved? He had no wish to state details to the House, but he was struck the other night when his hon. Friend the Member for Liverpool (Mr. Cardwell) quoted from the circular of Messrs. Littledale, in proof of great prosperity; and he suggested to his hon. Friend that if he had read on to the end of the circular. he would have seen that the Messrs. Littledale took a different view of the question to what his hon. Friend did. He now held in his hand the circular published that day week, and he would read an extract:—

> "We regret again to have to repeat the same unvarying tale of dulness in our markets. Seldom has such a state of things continued, with very little change, for three months in succession, as in the first quarter of 1851."

The circular states that some markets are in a satisfactory state; but it goes on to say—

> "We do not believe that the country at large is by any means in as prosperous a condition as is generally supposed. Hence this protracted depression. To say nothing of the agricultural and shipping interest, which are notoriously in a bad state, scarcely one article of import gives a profit to the importer at present; and even among different classes of manufacturers complaints are general. The silkmen cannot get rid of their stocks. In the woollen districts short time is being partially resorted to. At Manchester the woollen trade continues dull, and, though the export of cotton yarns shows a slight increase over 1850, the quantity alone is not an infallible test of the prosperity of the export trade; and many a pound of yarn and yard of cotton have been exported which left no profit; indeed, the cotton and wool dyers and finishers have been loud in their complaints. The iron trade is in the most depressed state. Now, with all these adverse circumstances, how can the country be said to be prosperous? How can it be otherwise than that the produce markets should feel the effects?"

He found in that morning's commercial report of the *Times*, corroboration of the statement as far as Manchester was concerned:—

> "If a change in the yarn or cloth market can be noted at to-day, it is a little less languid. On Tuesday prices were ⅛*d.* lower than on Saturday in yarns, and 1½*d.* per piece on cloth. To-day the downward tendency was less marked, and greater steadiness of prices prevailed; but the extent of transactions was small, and buyers appeared to be confining their operations to the narrowest limits. Many of the private letters of the last overland India mail are said to have been very dispiriting, and scarcely reconcilable with the encouraging tone of the accounts by the previous mail. Under these circumstances some of the export houses in that trade have closed their purchases for the present, or operate with much caution. In the Levant trade accounts continue to come of a harassing character. Not only do the markets appear to be abundantly stocked with prints, which are almost unsaleable at any price, but plain cloths and yarns are depressed in price and unremunerative; still exporters in this market are doing quite as much here to-day as they have done for some time past. In the home trade business continues very languid, notwithstanding the fineness of the weather; and an opinion is freely put forth in some quarters, though not generally acquiesced in, that it is in a great degree attributable to the steadiness with which the working classes are hoarding their earnings to visit the Great Exhibition."

Now, even admitting the manufacturing prosperity to be as great as it was pretended to be, he could not, with these practical opinions before him, confirmed by every trade circular which had been issued, convince himself that the manufacturing interest was in a prosperous condition. But even if it were so, let him ask how it was to react favourably for British agriculture? Would Manchester cottons, would Yorkshire woollens, be exchanged for the beeves of Norfolk, or the corn of Cambridgeshire? Not unless they could be sold at less prices than the beeves of Holstein, or the grain of New York. And let him ask what were the prices at which these foreign commodities were coming into our markets? The House used to be told by the hon. Member for Manchester, that from New York the freight alone was equivalent to a protection duty of 10*s.* a quarter. What was the fact? That freights from New York to Liverpool were for the past year from 6*d.* to 1*s.* a barrel, that is, from 1*s.* to 2*s.* per quarter. Mr. Woodward, the eminent corn-factor of Liverpool, had recently given the following account, taken from his own books:—

> "Freights, 1849. Brest, 3*s.*; Hamburgh, 3*s.*; Bremen, 3*s.*; Holland, 1*s.* 6*d.* to 2*s.*; Belgium, 2*s.* 6*d.*, 1*s.* 10*d.*, 1*s.* 6*d.*, and, in one instance, 1*s.* 3*d.*; Alexandria, 3*s.* 3*d.* and 2*s.* 9*d.* per quar-

ter. Beans, 1850—Hamburgh, 2*s.* and 1*s.* 6*d.*; Holland, 1*s.* 9*d.* and 1*s.* 6*d.*; Belgium (crack vessel of 300 tons), at 1*s.* per quarter."

And from Brest wheat had been imported at 32*s.* 4*d.*, barley at 14*s.*, and oats at 11*s.* 7*d.* The House could easily estimate how far the results of the reaction which it was said would benefit the English agriculturist would be reaped by the foreigner. The Government had given the House no ground whatever for believing that the distress would diminish; and he believed that it was deep, wide-spread, and permanent. He now asked the House if it meant to do anything to alleviate that distress which they must admit to exist? He had heard it that night stated as a question of "cheap bread." He was as anxious as any one to see cheap bread. He was not now going to argue the question as to protection or free trade. But the position he took up was this, that by legislation the Parliament depressed the farmers, laying upon them taxes which enhanced the price of the commodity they produced. He asked the House to bring their professions on this subject more into accordance with their practice, and prevent the legislation of this country from continuing to present the lamentable, though ludicrous, spectacle of persevering in a policy professing for its principle that the cheap production of food is the *summum bonum* of human legislation, and at the same time continuing to exact 10*s.* a quarter in taxation on every quarter of corn raised in England. The right hon. Baronet the Member for Ripon (Sir J. Graham) had told the farmers that they should grow less corn, and graze more, and that probably a drawback would be allowed to the farmer on malt, in order that he might use it as food in the fattening of cattle. The right hon. Gentleman the Chancellor of the Exchéquer smiled; but he (Lord J. Manners) would remind him that when the master manufacturers some time since made a similar demand for a drawback (for their special behoof, and for the benefit of no other class) upon soap, it was granted without hesitation; and in the "case" presented to the House that year by the soap manufacturers, he found the agreeable fact that on at least one-tenth of all the soap manufactured, the master manufacturers of Yorkshire and Lancashire enjoyed a drawback. Under all these circumstances, then, the hon. Member for Buckinghamshire said, "You admit the distress—you boast your surplus—will you apply it in mitigation of the distress?" Did his hon. Friend ask for the appropriation of the surplus to the advantage of the great landowners of the country? No such thing. His appeal was on behalf of the suffering tenantry of England and Ireland. And when the right hon. Gentleman opposite made an appeal to the owners of property who "boasted of 10,000*l.* a year," that appeal met with no response on that side of the House. This was a question affecting not the proprietors of large estates, but the suffering tenantry—the depressed agricultural class—whose distress was admitted. The Government represented that the distress had not yet descended to the peasantry of the country. He thought any one who looked at the state of Ireland must be aware that the state of all classes in that country merited the solemn consideration of that House. He hoped it might be true, that in England the pressure had not yet descended upon the peasantry. But sure he was, that if the peasantry were not at present sufferers from this wide-spread distress, it could not be said that they had derived any benefit from the measures which had produced it. It might be true—he hoped it was—that, owing to the unparalleled exertions of the owners and occupiers of the soil, the strain of the pressure had not yet descended to the peasantry. But were there no signs of its doing so? He held in his hand the last report of one county, not the least important or entitled to consideration—he meant Lincolnshire. It was published that day, and was as follows:—

"Spalding:—The distress to which the agricultural interest is now exposed, aggravated in some districts by the blight of last season ["Hear, hear!"] is producing misery around the towns of Spalding and Holbeach, and the best workmen have quitted the scene of their usual employment, giving their strength to a rival country; while others less energetic, driven by a necessity which knows no law, have become reckless. The many robberies that have recently been committed, afford a fit idea of the demoralisation which is going on."

When he had read the words referring to "the blight of last season," he had heard some hon. Members cheer. Would they allow him to ask them if they believed that the blight of a single season would drive hundreds of English labourers to emigrate to foreign lands? Badly as they might think of the "pluck" of the agriculturists, he did not think any one could conceive that a single blight could break up hundreds of rural homes. When he read the passage as to the increase of crime in this important district, he was reminded that those Gentlemen who were the greatest sticklers for the policy of free trade, had invariably laid the greatest stress on its tendency to diminish crime. He knew, however, what the opinions of the Judges who had just concluded the assizes in the midland counties were, and that they had attributed the enormous increase of crime to one cause—the want of employment caused by general distress. He was also aware that Mr. Justice Cresswell, in charging the grand jury at Liverpool, stated that he could not account for the dreadful increase of crime in that district. But in another district—the eastern—the grand jury of the county of Suffolk had not found themselves at a loss to account for the same awful and ominous occurrence, and had presented the following presentment:—

> "The number of commitments to the county gaol for the last four years shows a constant increase of crime. We attribute this in great measure to the want of employment from which the labourers are suffering; and the heavy losses sustained by the occupiers of land and other industrial classes, preventing them from giving the usual employment to the labouring population. This is one of the great causes which has crowded the gaols with prisoners. We submit the relative number of commitments to Bury gaol: In 1847, 532 commitments; in 1848, 620 commitments; in 1849, 630 commitments; in 1850, 772 commitments."

These were serious facts, which it was well that the Government of the country should closely investigate, and carefully consider. If it were true that the pressure had not yet been felt in the lowest class of the agricultural community, it was with all the more earnestness he entreated the House to interfere now, ere it was too late, to save that all-important class of our fellow-citizens from the ruin which was now imminent and hanging over them. It might be a matter of indifference to some hon. Members that the owners and occupiers of land should experience distress, and sink under difficulties. It might be a matter of indifference to them that the old ancestral halls of English country gentlemen should be closed against the calls of hospitality or the claims of duty. It might be matter of indifference to them that the modest comforts and manly recreations which heretofore had embellished and adorned the never very remunerative profession of farming should henceforth be excluded from the granges and the farms of the occupiers of the soil. But he begged them to beware how they lessened the demand for labour, how they diminished the wages, how they reduced the comforts, of the peasantry of England and Ireland. Ere it was too late—while yet they might not have suffered from the distress which already prevailed, he entreated the House to interfere that night to prevent the distress which they all admitted to exist, among those classes least able to sustain it, and acting upon the dictates of their own reason to prevent the ruin which he believed was imminent over the agricultural interest of this great empire.

MR. BRIGHT said, he would endeavour, in the observations he intended to offer to the House, to address himself closely to the question brought before them by the hon. Member for Buckinghamshire. He did not think the hon. Gentleman intended by his Motion to lead them into a discussion on the various parts of the Budget of the Chancellor of the Exchequer; on the contrary, he seemed to agree for the most part that that Budget was acceptable to the country, and that it must pass the House. He (Mr. Bright) would not be tempted to go into the question of the corn law to an extent which might be justified by the speeches of the hon. Member for Northamptonshire (Mr. Stafford), and the noble Lord the Member for Colchester (Lord J. Manners). He must say that those hon. Gentlemen and others did their leaders great damage by the course they took in this and similar discussions. If he understood the object of the hon. Member for Buckinghamshire—taking it from his speeches in that House—he came to the conclusion that the hon. Gentleman was convinced that any project of returning to protection was the merest delusion; and that he (Mr. Disraeli) knew perfectly well—every man who considered the subject must know—that so long as hon. Gentlemen opposite would have this question of protection as the main part of their policy, they (their leaders) were destined to sit on the shady side of the House, and they could never cross the table, and sit on the Ministerial benches. He, therefore, would advise all those who supported the hon. Member for Buckinghamshire to avoid the question of protection altogether, as one which had been finally and irrevocably settled. Now, the hon. Gentleman had made this proposition to the House, that the agricultural interest (the labourers, who were once a part of the agricultural interest, were now left out)—that the agricultural interest, consisting of the owners and occupiers of land, had some special claim to some special relief. He had assumed that they were suffering generally, if not universally, throughout the United Kingdom; but he had not brought anything like proof, first of all, that the owners and occupiers of land were suffering much, or, indeed, that they were suffering at all; and, secondly, the hon. Gentleman had failed, he thought, to show that they had any special claim to relief, even if they were suffering. Now, he (Mr. Bright) admitted that the hon. Member had a right to assume the fact of the alleged distress, when arguing with the noble Lord at the head of the Government, because the noble Lord, with that want of caution which not unfrequently distinguished him, had admitted into the Queen's Speech a paragraph which was a direct invitation to the hon. Member for Buckinghamshire to get up a discussion on this topic in the first week of the Session; and then the Chancellor of the Exchequer, committing another blunder, had brought forward a proposition in his first Budget which he ought not to have done, but which, if brought forward, hon. Gentlemen opposite had a right to expect he would adhere to. That paragraph and proposition had caused the hon. Member for Buckinghamshire to get up this interesting discussion on a subject which he (Mr. Bright) had hoped was worn threadbare. Now, he was prepared at once to dispute half their case—that is, that the owners of land were suffering distress, or that they had any claim on such ground to come to that House for relief. The hon. Member for Herefordshire (Mr. Booker) had said the other night that there had been a fall of rent to the amount of 25 per cent; but though that hon. Gentleman's oratory might be applauded in Herefordshire, yet he (Mr. Bright) believed that that was a fact which he durst not assert in the face of the farmers of that county. Now, the hon. Member for Buckinghamshire had admitted that night, or rather he had assumed, that the reduction of rent might be taken to be 10 per cent. He (Mr. Bright) did not believe it was 10 per cent. However, he had never seen a single case authenticated which went beyond 15 per cent. He had found many cases in which no reduction had been made; and where there had been reduction, it was very often not made by permanent agreement with the landlord, but it was merely a temporary remission, precisely

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such as he had known to be given by landlords on several distinct occasions. He took it for granted, therefore, that the fall of rent was to a very small extent; and that, in point of fact, it was not worth comparing with the losses which those who had property invested in other ways, except in land, were constantly liable to in all parts of the kingdom. Now, there might be, and he believed there were, cases of difficulty among landowners, and particularly among the landowners in Ireland. There were landowners who had small net incomes and large rent-rolls, and from extravagance and other causes they had engaged to give to their creditors, or to the annuitants of one kind or another, nine-tenths of their actual rent-roll. Of course a fall of 10 per cent in such cases was equal to the destruction of the whole income. But this was no fault of free trade or of the free-traders; the Manchester school were not to be blamed for anything of that kind. They (the Manchester school) had never admired settlements and entails. On the contrary, they would prefer seeing landed property free. They had never recommended gentlemen who could not afford it to keep a great house in the country and a great house in town, or that so many packs of hounds and other sources of enjoyment should be maintained. He confessed that if he were a landed proprietor—and he was very sorry he was not—he should feel humiliated if his advocate in that House made such a speech as the hon. Member for Buckinghamshire had made to-night and on former occasions. Now, let him ask if there was any class that passed so triumphantly through every commercial hurricane and disaster as did the class of landed proprietors? Why, it was notorious that that was the case. He saw that the candidate at Aylesbury had given, as a proof of the distressed condition of the landed proprietors, that money invested in land only returned 2½ per cent. Why, that in itself was a proof of the security of the return from land, and that it was not subject to the vicissitudes to which other property was liable. There were some in that House who could tell a tale respecting investments of another character—investments, for instance, in the manufacture of iron during the last four years. They could tell of the extraordinary revulsion which had taken place in that time, consequent on the demand for iron for railway purposes having declined. He could speak of his own trade, although he could not confirm the view taken of it by the noble Lord the Member for Colchester. Yet he could state that a very large portion of that trade during the last five years, when there were three failures in the American cotton crop—that, during these years all the coarse departments of the trade had been of the most unprofitable character. The noble Lord (Lord J. Manners) had read from Mr. Littledale's circular the parts that suited him—not the parts that suited another view of the question—not the statement which that circular contained that the trade appeared to be settled on a solid and sound basis. Why, the noble Lord ought to know that trade had been so good in Yorkshire for the last two years, and the increase in the consumption of wool so great, that the price of wool had become extremely high, and that it was the price of the raw material at this moment which was interfering with profits in Yorkshire. It was only yesterday that he (Mr. Bright) came from the Hatfield station on the Great Northern railway to London in company with a buyer of wool, who told him that his trade was bad at present—that wool was so dear, and so little of it to be had, that, as a buyer of wool from the farmers, and a seller of it to the Yorkshire manufacturers, he found his trade entirely unprofitable. He (Mr. Bright) gathered from that fact, that the farmers were enjoying a considerable profit on their wool, and that it had been a prosperous article for a very long period. But the hon. Member for Buckinghamshire had made an admission which was worth something. He said he calculated that the landowners, losing 10 per cent of rental, were losing 6,000,000*l.* per annum; but he added that the fall of rent gave them no claim whatever to come to that House for relief. He (Mr. Bright) was very glad to hear that fact asserted by the hon. Member. But then a great number of his followers held a very different opinion, and he (Mr. Bright) had heard even from the Ministerial benches in former times that it was necessary to keep up the price of corn in order to keep up the rent. But if the hon. Member for Buckinghamshire would now look at this fact, that the labouring population were comfortably off, and generally in a state of prosperity—if that prospertty had been caused by the transfer of the 6,000,000*l.* of rent from the landed proprietors, who never ought to have possessed it if given to them by the corn law—if labourers were prosperous by the transfer of that 6,000,000*l.* to them, they were enjoying that of which they had been deprived for 35 years by the operation of a law, the repeal of which was so much regretted by some hon. Gentlemen opposite. He denied altogether that the landowners were suffering, or that they were suffering to an extent which required that they should be pointed out as a suffering class. He now came to the question of the occupiers. Now, it was affirmed broadly that the occupiers of land were suffering great distress. He believed that some distress must necessarily arise from the circumstance of a temporary depression of the prices for farm produce. But this distress was not a rare malady with the occupiers of land. Violent speeches had been made in that House from 1815 upwards, in favour of relief to the distressed occupiers of land. Mr. Preston, a distinguished gentleman connected with the law, had written a pamphlet two or three years after the corn law was put on, in which he showed that the distress of the occupiers was most agonising, and that they had lost 100,000,000*l.* of their capital, which was transferred to other classes. There was nothing to show that any considerable portion of what they suffered now, arose directly or indirectly from the legislation of that House. But, if it did, what was the remedy proposed, stripped of anything like delusion? The hon. Member for Buckinghamshire did not propose to remedy the grievance by raising the price of corn; but his proposition was this—the making of some small transfer of a certain rate, paid now by a certain description of property, to the Consolidated Fund, by which that description of property now paying the rate should henceforth only pay a portion of it, and the rest might be distributed over the taxpayers of the united kingdom generally. In connexion with the poor-rate there were some facts to which he wished to call the attention of hon. Gentlemen opposite. He would refer to and quote from a return moved for by the right hon. Baronet the Member for Ripon (Sir J. Graham) in 1846, showing the proportions in which this rate had been levied on land, houses, and other property. He was sorry that there was no return down to the present year, because he believed that the facts proved by it would have been found to be the most conclusive argument against any proposition based upon the assumption that the landed interest suffered unduly from the incidence of the poor-rate. In 1826, it appeared the land alone paid 69 per cent of all the poor-rate. In 1833 the land paid 63 per cent only. In 1841 it paid 52 per cent only. Thus, it would be observed, that in the period from 1826 to 1841, being a period of fifteen years, the share which the land alone paid of the whole poor-rate of the country, fell from 69 per cent to 52 per cent, that was to say, from two-thirds to about one-half of the whole amount. And he thought they might fairly take for granted, seeing the fall in those fifteen years, that a return made out to the last year would show that the land was not now paying more than forty per cent of the whole amount. [Mr. WILSON: Forty-five per cent.] The hon. Member for Westbury suggested that forty-five per cent would be the correct estimate. Well, let them look at the whole poor-rate levied. In 1833 the whole amount was 8,600,000*l.*; in 1842 the amount had fallen to 6,500,000*l.*; in 1850, last year, it had fallen to 5,395,000*l.* Now, here they had the broad fact, that, within the eight years during which they had had that legislation of which hon. Gentlemen opposite complained, the poor-rate of England and Wales had fallen in amount more than a million sterling. The calculations which he had made in reference to these figures were upon the assumption that the land now paid only 40 per cent, and not 45 per cent, and of course the House would make all allowance for that circumstance. He took the year 1833, and found the land paying 63 per cent—that was to say, 5,434,000*l.*,—and then, taking 1850, and assuming the land paid 40 per cent, they would find that in amount the land now paid only 2,158,000*l.* In other words, the land of England and Wales paid, in 1833, double the poor-rate which it paid in 1850. This was an important element in the question they were now considering. The right hon. Gentleman opposite (Mr. Herries) shook his head; but he (Mr. Bright) did not mind that; for the right hon. Gentleman had been in the habit of shaking his head at everything from this side ever since he had entered that House. Did the right hon. Gentleman mean to say, for example, that the condition of the landed proprietary had not been affected by the hundreds of millions expended on railways in this country, and which now paid 300,000*l.* per annum to the poor-rate on parishes to which they had never contributed a pauper? Did he mean to assert that manufacturing towns and villages could be springing up in every direction, and the moment they sprang up be taxed for the poor-rate, without to that extent relieving the land from the burthens to which it had been subjected? Why, if the right hon. Gentleman meant this, he certainly could never have been fit for the post of Chancellor of the Exchequer. At any rate, these were facts to which he (Mr. Bright) had thought it not inappropriate to call the attention of the House. But the argument still was, that, notwithstanding this diminution in the poor-rates, the farmers were still distressed. That, after all, was an argument in favour of that view of the question which he and his friends took: their conviction being, that the transference of the rate from the occupying farmer to the occupying householder, by means of taxing his tea or his sugar, would not prove permanently beneficial to the tenant-farmers. For all the reductions in the poor-rate to which he had alluded, had not in the slightest degree affected the interest of the tenant-farmers, those cases, of course, excepted, in which the farm had been held continuously at the same rent during those years over which the reductions had extended; and any transference which the hon. Gentlemen (Mr. Disraeli) could make, in the event of his obtaining a majority, would have no effect whatever on the tenant-farmer—for if there was any truth in economical science, the tenant-farmer would be compelled in the end to pay an increased rent for the land he held. Undoubtedly, however, at this moment the condition of the tenant-farmer was one which every man must regard with sympathy. He defied any one to say, looking to the course which he and his friends had pursued as free-traders in that House, that they had ever manifested any want of sympathy for any one class of the taxpayers of this country. At least there could be no denial to the assertion that they had always advocated diminished expenditure and diminished taxation; and that they had urged a diminution of taxation in that particular direction which would have alike affected all classes, inasmuch as their object had been to remove taxes from articles of general and universal consumption, and here obviously the farmer would have benefited not less than the weaver. But the farmers were in an unfortunate position; they were the victims of a vicious system; that, however, was not their (the free-traders') system. It was the system of hon. Gentlemen opposite. They had created it for their own purposes in 1815, and they had maintained it for their own purposes up to 1846. They had led the farmers to believe that there could be no path to prosperity but through the county Members and the House of Commons. He, for one, should be very sorry to be connected with any trade or manufacture, if he had no reliance but on the Members for Manchester. He should be extremely sorry to entrust his interests either to the intelligence on commercial subjects, or to the impartiality of political parties, in that House. The unfortunate position of those of the tenant-farmers who suffered most, consisted in this—that they notoriously held more land than they had capital to cultivate. Their case was precisely the same as that of many landowners, who owned extents of land on which they could not pay all that was due. All this was very sad. If landowners bought land only to obtain political influence, they were on the road to ruin. If a tenant-farmer took more land than he could properly cultivate in reference to his capital, he was also on the road to ruin. There were, no doubt, other questions which ought to be considered in speaking of the condition of the tenant-farmer. There was, in particular, one question, in which he (Mr. Bright) had in former years taken great interest, but the advocacy of which he had been compelled to relinquish in consequence of his not having received that aid from the farmers which their private representations had induced him to expect. He alluded to the question of the game laws. [*Ironical cheers from the Protectionists.*] Surely that question was as pertinent to this discussion as the question of lunatic asylums. He had mentioned the fact before, and he would again call attention to it, as a most important circumstance, that every witness examined by the Game Laws Committee (and no member of that Committee would be found to dispute the respectability or credibility of these witnesses) declared that, whenever game was even moderately preserved, greater injury was done to the farmer occupying the land, than was inflicted by the whole amount of his general and local taxes. He (Mr. Bright) was satisfied that hon. Gentlemen who preserved game, who indulged in sporting, had no conception of the evils to which their tastes gave rise in the community. He, however, should be ashamed of himself if, while advocating the cause of the tenant-farmers in that House, he did not appeal to hon. Gentlemen opposite, supposing them to be the true friends of the occupiers of the land, either to alter the game laws, which they certainly ought to do, or, if they would not do that, at least to alter their practices, and to discontinue that system which was abhorrent to the civilization of our day, and which, at all events, was most cruelly injurious to those whom hon. Gentlemen opposite professed to represent. [*Cries of* "Question!"] He was sorry some hon. Gentlemen did not think that this was speaking to the question. There were those out of doors who did think that it was very near the question. Well, now (continued the hon. Gentleman), what are the remedies for the difficulties of the tenant-farmers? You have your set of remedies. We have our set of remedies. I am free at once to admit that I have no expectation, in passing from the system of the last forty years to that sound system which now prevails, and must henceforth prevail, that we shall find the tenant-farmers, one and all, and immediately, by any kind of contrivance on the part of this House, jumping into a state of unequivocal prosperity. As they now are, they have been before. I but yesterday heard of a farm in Hertfordshire which had had six tenants in eighteen years. Their prosperity was not universal in past years, and it is not now. But if they do get into a better position, it can only be by paths which are very evident; in some cases, by reductions in the rents; in other cases, by increase of produce; and in most cases, by a more successful adaptation of the powers of their farms to the production of those articles which the markets would be most willing to take from them. There is no doubt whatever that there are great numbers of tenant-farmers who are not complaining, and who have no reason for complaint. And I firmly believe that if all were like the few, and possessed the same energy, the same skill in the adaptation of the resources of their land to the requirements of the markets—above all, if they asserted their independence in making terms with their landlords, they would all overcome their difficulties, and overcome them more speedily, more certainly, and more permanently, than can be looked for from any assistance likely to be extended to them by the House of Commons. The noble Lord the

Member for Colchester (Lord J. Manners) has adverted at some length to the present state of crime. In reference to this, I wish to state to the House some facts to which I had desired to call attention the other night, in the discussion on the income tax, but which are quite applicable on this occasion. Probably these statistics will be consolatory to the noble Lord, who is not wanting in benevolence. I hold in my hand a return of the number of persons taken into custody in Manchester since 1842, the return being for every two years. In 1842, the number was 13,801; and I believe the number was 12,000 in the two years preceding. In 1844, the number fell to 10,700; in 1846, to 7,600; in 1848, to 6,200; in 1849, to 4,600; and in 1850, the number was only 4,578. Thus, in 1850, not one-third of the number of persons were taken into custody in Manchester who were found to have been taken into custody in the year 1842. If we take the general facts as to England and Wales (not taking last year into account, as to which there is no return) we shall find a great reduction of committals from 1842 down to 1849. The diminution was from 31,000 to 27,000; and thus, although the population has increased ten per cent, the committals have decreased not less than 12½ per cent. I have now stated, in detail, what I regard as the reasons why the proposition of the hon. Gentleman (Mr. Disraeli) would be of no value if it were agreed to. It can only serve to delude—not the owners of the land, for they understand all these tricks—but the occupying farmers throughout the country. It will serve but to delude these men into a belief that that which is really intended as a measure to cement a party in Parliament, is intended to do something for their benefit. Now, one great result of the alteration in our commercial system with regard to corn is, I hope this—it has not come yet, but it is in process of coming about—that the farmers will no longer conceive themselves to be a class having special privileges, special rights, and special claims upon the House of Commons. They will now know that their only chance is precisely that chance which all the rest of the community enjoy—a good education for their children for the next generation, and for themselves, their intelligence, such as they have, and their industry, such as they have; and I will add, especially, the more they make themselves independent of their landlords as respects the old retainer and feudal tenure, the more they enable themselves to make bargains with their landlords, just as they would with other persons with whom they do business, the sooner will they find themselves out of their present undoubted difficulties. And I will say, I believe in my conscience that, talk here for ever of agricultural distress, you will still find that there is no remedy which it is in the power of Parliament to give. The only possible chance for the farmers, is in the exercise of those virtues and those talents by which the rest of their countrymen thrive; and if they do exercise their own energies, and cultivate the quality of self-reliance, I am convinced that this country, with the finest roads, with the best markets, and not an unfavourable climate, will be found to triumph not only in her manufactures, but also in her agriculture.

Mr. REYNOLDS said, he must confess that he was one of those who were deluded by the Motion of the hon. Member for Buckinghamshire. He begged to announce that he was going to vote for that Motion, and his taking that course might excite some surprise, and therefore he begged the indulgence of the House while he explained the grounds which he believed would be found to justify him. The hon. Member for Manchester (Mr. Bright) commenced his speech by charging the noble Lord the Member for Colchester (Lord J. Manners) with straying from the subject. Admitting, for the sake of argument, that he deserved that charge, the hon. Member for Manchester was not free from it himself, for he had introduced into the discussion the whole question of free trade. The hon. Member was not merely satisfied by declaring that the landed interest was not entitled to any consideration, but he stated the ground on which he came to that opinion by referring to the high price of wool. Now, he knew something about the price of wool, and, spreading his recollection over a space of thirty years, he did not recollect that wool ever sunk lower than a minimum of 13*s*. 6*d*. per stone; and he found that the price of wool during the last year did not reach 14*s*., and now it was at the enormous price of 16*s*., or 1*s*. per pound. If the hon. Member knew as much about agriculture as he (Mr. Reynolds) did, he would not have expressed an opinion that 1*s*. per stone was a high price for wool. A stranger, entering the House while the hon. Gentleman had been addressing it, would have imagined that the whole united kingdom was included in the manufacturing districts. The hon. Gentleman had only just glanced at Ireland; and he had only made that reference for the purpose of making an attack on the landlords. He (Mr. Reynolds) was not there as the advocate of the Irish landlords; but at the same time he would not hesitate to protest against the wholesale onslaught made upon them by the hon. Gentleman. The landlords were not guiltless, but it was also true that, to a great extent, they had been victimised by recent legislation, and that their interests had been insufficiently considered in those changes of policy which were effected at the instigation of the commercial and manufacturing classes. The hon. Gentleman, speaking of the landlords, said that he had never advised those gentlemen to go to the extravagant lengths of keeping up town houses and country houses. Now that was very kind of the hon. Gentleman. But, then, the hon. Gentleman might have remarked that the present landlords were generally the descendants of an ancient aristocracy, and that the extravagancies the results of which were now pointed out, were incurred long before the Manchesters of England had been heard of. The argument of the hon. Gentleman on this occasion was, that no protection was needed by the agricultural interest. He quite agreed with the hon. Gentleman; and, were it possible to construe the Motion of the hon. Member for Buckinghamshire as a Motion for protection, either directly or indirectly, he, for one, would have been found voting against it. Could it be construed as a Motion for raising the price of the food of the poor, none would more warmly resist it than he would have resisted it. But did the terms of the Motion justify any such construction? The Motion went simply to this, that the Chancellor of the Exchequer, being in possession of a surplus, and there being a reasonable and laudable scramble between conflicting interests to obtain the benefit of it, that interest should be first considered which was proved to be in the greatest want of legislative relief. In a question of this kind Ireland need not be blotted out of the map. That island even now contained 8,000,000 of people and 20,000,000 of statute acres, and nineteen-twentieths of those 8,000,000 derived their support, such as it was, from agricultural pursuits. Let him also remind his hon. Friend the Member for Manchester that whilst the manufacturers had protection, the agriculturists had none. There was a protection on cotton and woollens, and more on silk. Would the manufacturers agree that that protection should be taken off? [An Hon. MEMBER: Yes.] He should like to know whether that single "yes" meant the aggregate voice of all the manufacturers in the House; he rather believed it did not. They had enacted a law, and very properly, to admit wheat and flour free of duty. What was the consequence? They had imported 1,500,000 quarters of wheat and flour from France alone, and more than half of that was flour; and he knew of his own knowledge that not more than two months ago a cargo of flour arrived in the Liffey, which was not more than 14 days out of the French mill when it was landed on the quays of Dublin. He did not know what the effect of these importations had been upon the English millers; but he did know this, that the enormous amount of property embarked in the Irish mills was not worth a fourth part of what it was a few years ago. [Mr. SCULLY: Not a tenth.] His hon. Friend the Member for Tipperary said it was not a tenth. Now let him appeal to the eminent manufacturers on the other side of the House, and ask them, if their respective protecting duties were repealed, what effect that would have upon their cotton mills? He believed that the manufacturers of America and of France would send in such vast quantities of manufactured goods, that the manufacturers of this country would be swamped. ["Oh, oh!"] He understood the ironical cheer of that eminent manufacturer the hon. Member for Kerry (Mr. M. J. O'Connell); but it seemed to him that there might be better authorities in the House than the hon. Member was. Let him now call the attention of Members to another and a very serious point. Let him draw their attention to the charges on the land. The hon. Member for Manchester had sneered at the Irish landlords, and said they were extravagant. Granted. But let it be remembered, in excuse of their extravagance, that they were guaranteed by Act of Parliament a monopoly of the English market, and they enjoyed that monopoly for upwards of twenty years; and they sent over to this country butter, bacon, corn, beef, and other articles of provision to the extent of 13,000,000*l.* sterling. But what was their position now? The French, the Americans, and almost every nation in Europe, supplied England with food on the same footing of equality with the Irish; and if the Almighty should be pleased to bless Ireland with the same fertility which she formerly exhibited, it would require an increase in her surplus produce to the extent of 3,000,000*l.* sterling to give her the same sum which she received before. He had made a calculation that the agriculturists of Ireland had made a sacrifice of 3,000,000*l.* per annum to benefit the manufacturers. What equivalent had they received? He defied the most ingenious manufacturer in Manchester, Leeds, and Birmingham, to produce any proof that would satisfy twelve honest men that free trade had conferred any benefit upon Ireland. He acknowledged that he had often voted for free trade, but not for free trade on one-sided reciprocity principles. He wanted the principle to be carried out. How had it been carried out in Ireland? They had given Ireland the benefit of a poor-law, for which some of his countrymen did not thank them. He believed, for his part, that it was intended kindly; but its effect had been to saddle the owners and occupiers of land with 2,000,000*l.* sterling for the support of the poor. Next, the land was compelled to pay grand-jury cess, which amounted to 1,300,000*l.* per annum, and which was expended in the support of gaols and lunatic asylums. The fundholder did not pay a penny of all this; he lived enclosed in his drawing-room, and the awful pressure never fell upon him. Then the tithes had been converted into a rentcharge, a measure which had had the effect of raising the value of tithes from less than ten years' purchase to twenty-four years' purchase, as they had made the Church the owner of the fee, and not the landlord. And after all this, the hon. Member for Manchester (Mr. Bright) whose opinions he (Mr. Reynolds) respected, told the agricultural interest that they wanted nothing. He believed, however, that the agricultural interest knew their own wants a great deal better than the hon. Member did. Let him not, however, be misunderstood. Manchester, and Leeds, and Huddersfield, and Birmingham could never be more prosperous than he wished them to be; but he did not wish to see them prosperous at the expense of other interests. Now, he had no doubt that they would be told to-morrow that the hon. Member for the city of Dublin voted with the hon. Member for Buckinghamshire, as a charge had been brought against him and some of his countrymen that they had recorded their votes for a similar Motion on the 14th of last month. It had been said of them, it was said broadly, "What an extraordinary set of fellows the Irish Liberal Members must be to do that!" [*Vehement cheers.*] He understood that cheer. There were twenty Irish Members of Liberal politics who recorded their votes in the minority on the Motion of the right hon. Member for Stamford (Mr. Herries), while a certain number of his countrymen voted the other way; and some few of them had got tickets of leave in consequence. Some one or two of them who had got into disgrace with their constituents turned round and said, "Why, you would not ask us to vote for protection—to raise the price of food to the poor man?" Now that was not only a vindication of themselves, but it was an indirect censure upon those who took the other course, and therefore he complained of it. What happened? Meetings had been held in different localities—votes of censure had been passed upon some of the majority— [An Hon. MEMBER: Not all!] No, not all; but those Irish Members who betrayed the people were well known, and the Irish constituencies would only pardon their erring representatives, on could dition that they would "go, and sin no more." That was his explanation of the matter, and he hoped they would not be compelled to say more on that subject. But protection was the cry. He was not to be gulled by that cry. The delusion of Ireland with such cries was nearly at an end. Her people had been taught a lesson in the school of tribulation, and they would not for the future be led astray by the hacks of any Government; their eyes were fixed on the proceedings of that House, in which they took a deep interest. They looked at the votes and read the speeches of their representatives; and he was glad they did so; he hoped they would read his, and he would tell them that this was not a vote on protection, but it was a scramble for a division of the booty. It was a laudable attempt—and he thanked the hon. Member for Buckinghamshire (Mr. Disraeli) for it—it was an attempt to arrest a portion of that money for the relief of the land. But he was told that this was a party vote—that it was a trial of strength between those who were out of office and those who were in office; and even at the risk of making a change, he was prepared to record his vote in favour of the Motion. He had entered the House a sincere and steadfast supporter of the noble Lord at the head of the Government, and he wished he could still be able to afford him support, because he was free to confess that his (Mr. Reynolds's) political creed tallied more with that of the noble Lord than with that of any other leading Whig in the House; and if the noble Lord had abode by his principles, which he could tell him he had not done, as he (Mr. Reynolds) abode by his—[*Laughter*]—yes, if the noble Lord had adhered to his principles as he had adhered to his, he should still have continued to vote with him. He was told that the vote of that night would decide the fate of the Ministry. He could not help it; he had brought himself to this conclusion, that it mattered little to his country what man held the helm of affairs, provided only that the Minister directed his attention to the improvement of the condition of the people—whether it was the noble Lord who occupied the Treasury bench, or whether it was the right hon. Baronet the Member for Ripon (Sir J. Graham)—["Oh, oh!"] Well, he could assure the House he would not be guilty of the presumption of manufacturing a Prime Minister. He only put the matter hypothetically; but it mattered little to him whether it was the noble Lord, or the right hon. Baronet the Member for Ripon, or that other noble Lord (Lord Stanley) whose name had of late become so notorious in connection with protection. He believed there was this spirit in the people of Ireland, that they looked to measures and not to men. They wanted to get the best possible thing done for Ireland that could be done, and they cared little who did it. They had got rid of a good deal of that sectarian and political feeling which formerly prevailed in the country, and he was happy to assure the House, both the Conservative as well as the Liberal Members, that however they might differ on religious and political questions, they were agreed on one point, and that was, to raise their country from the prostrate condition into which bad legislation had thrown her. He believed that the majority of the representatives of Ireland would to-night record their votes in favour of the Motion of the hon. Member for Buckinghamshire— [The O'GORMAN MAHON: No, no!] The hon. Member for Ennis cried "No;" but he apprehended that one "No" was not much among 105 Members. But let him remind that hon. Member that fifty-three Irish Members recorded their votes in favour of the Motion of the right hon. Member for Stamford, while only twenty-three voted the other way; and if he might calculate on what was likely to occur from what had already occurred, he believed he should prove to be no bad prophet, in predicting that the mass of the Irish Members would record their votes, on the present occasion, however, against the Ministers. He would not detain the House longer, as they were evidently impatient for a division; but he would remind the Government that they were fast approaching the Easter recess. They (the Irish Members) would be returning to their own country, where they would have something both to say and to hear. If he were asked his opinion as to the manner in which Ireland had been treated during the Session by Her Majesty's Ministers, he deeply regretted that he would have to give them the worst possible character.

The CHANCELLOR OF THE EXCHEQUER thought the hon. Gentleman who had just sat down need not have occupied so much of the time of the House in stating the reasons which induced him to vote in favour of the Motion; because, if he mistook not, only a few nights ago the hon. Member told them that whatever might be the occasion, and whatever the principle involved, he at least would vote against the Government. They knew why the hon. Gentleman was so disposed. All he could tell him was, that however much they regretted the loss of his support, the Government would do what they believed to be right, whatever might be the consequences. He would not attempt to deal with the principles of the hon. Gentleman—he would not attempt to reconcile his former votes with those which he had more recently given—nor would he attempt to reconcile his former opinions in favour of free trade with his present speech against all free trade. He was not going at that time of night to occupy the attention of the House at any length; he had so frequently declared his opinions on these questions, that it would be wrong for him now to obtrude himself upon their notice at any length. He would not follow the hon. Member for Buckinghamshire through the detail of all that had taken place since the beginning of the Session; and he would confine himself to a very few observations as to the purport and intent of his Motion. He confessed that, like his right hon. Friend the President of the Board of Trade, he was much puzzled with the Motion, and still more puzzled with the speech of the hon. Gentleman the Member for Buckinghamshire, who had, as on a previous occasion, suggested much, but proposed nothing—he advocated the proposition of the Government, and at the same time he took the most effective mode of defeating it. He admitted, that as the Motion originally stood as an Amendment on the plan of the Government, that there was some sense in it. If the hon. Gentleman's wish were to defeat the repeal of the window tax, that would be clear and intelligible; but in the course of his speech the hon. Gentleman declared that he was in favour of the proposition for the repeal of the window tax, and yet he took the most extraordinary course that could be conceived for advocating what was his opinion, as well as the opinion of the Government, by moving an Amendment upon their going into Committee in order to carry out that proposition. In the hon. Gentleman's own proposition there was little that was clear—little that was defined—little that he (the Chancellor of the Exchequer) could understand. He talked of granting relief to the extent of 1,700,000*l.*—he talked of the relief of 150,000*l.* in the maintenance of pauper lunatics — he talked of relief from the maintenance of prisons—he proposed, in fact, four measures of relief; but, as far as he (the Chancellor of the Exchequer) could make out, his fourth measure was only a part of the third. But he congratulated the hon. Gentleman in having gained the assistance of the right hon. Member for the University of Oxford (Mr. Gladstone), who had done for him what the hon. Gentleman was unable to do for himself, by extracting an intelligible budget out of his speech. The effect of the hon. Gentleman's Motion would be to defeat the proposition of the Government; for if he should carry his Amendment, the House would not go into Committee, and they would not have an opportunity of voting for the repeal of the window tax. So that if the hon. Gentleman was sincere in wishing to get rid of that tax, he ought not to have moved this Amendment on their proposition. But if his object was to defeat the Government proposition, the course pursued by him was reconcilable with Parliamentary usage, and the result might be the accomplishment of his wishes. The hon. Gentleman said, the proposition of the Government would give no relief to the agricultural interest. But did not country gentlemen live in houses containing windows? Did not tenant-farmers live in houses containing windows? And would not they be relieved like the rest of the community from the burden of this obnoxious tax? Did they not use timber in the construction of their buildings, and would they not get relief, along with others, by the proposed alteration in the timber duty? Would they not share with their neighbours the reduction of the coffee duties? The hon. Member for Bucks said, that his (the Chancellor of the Exchequer's) proposals to repeal the duties upon foreign seeds, and to transfer a portion of the expense of pauper lunatic asylums to the Consolidated Fund, had been received in silence by the Opposition side of the House, and had excited no opposition. But the proposal to take off the duty upon foreign seeds had been opposed both by the hon. Member for Petersfield, and the hon. Member for Warwickshire. That duty upon foreign seeds was the single tax paid exclusively by the occupying tenant; but he could not persist in proposing its repeal, when that repeal was opposed by hon. Gentlemen professing to represent the agricultural interest. If the farmer should complain hereafter that he had to pay duty upon foreign seeds, let him remember that to the owners of land he owed it that this tax was not repealed. [*Cheers.*] Why, were not the hon. Member for Petersfield (Sir W. Jolliffe), and the hon. Member for Warwickshire (Mr. Newdegate), owners of land; and was he not justified in saying that they were the parties who had prevented the repeal of this tax? His proposal to relieve the local rates of a portion of the expense of pauper lunatics was not a proposal exclusively for the relief of the agricultural interest, but was made because it was desirable for the sake of the parties themselves. But he gave to the agricultural interest, in the amended budget, and in respect to the repeal of the window tax, far more than he had originally proposed for their benefit in respect of the two articles now withdrawn; and it would not be difficult to prove that to the satisfaction of the most sceptical Gentleman opposite; for the amount of relief which would have been afforded under the proposition respecting lunatic asylums amounted to little more than a farthing in the pound; but had hon. Gentlemen opposite ever considered that, with the exception of the income tax, they paid more to the revenue in the shape of window tax than in any other single tax? This very day he had received a complaint from Edinburgh of the inordinate relief to be given to the landed interest by the new budget. One of the great complaints against the change which he proposed was, that it did not press so much on country districts as on towns. He thought his proposition for taxing houses instead of windows was a fair one. The towns would gain much, but the country districts would gain more in proportion. Great relief would be afforded, and a just principle of taxation acted upon; and let it not be said, then, that the country districts would not get their fair share of the relief which the proposed measure would give to the country. He held in his hand a statement of the relief which would be afforded to eight counties in England. He had taken two counties containing the greatest amount of manufacturing population and houses, and six exclusively agricultural counties. The amount of relief given in Lancashire by the proposed house tax as compared with the window tax would not be quite one-half of the taxes now paid. The amount in Yorkshire would be one-half. The reduction in Hampshire amounted to two-thirds; in Bedford to three-fourths; in Essex three-fourths; and the same in Lincolnshire, Norfolk, and Suffolk. The relief afforded to the six agricultural counties, therefore—agricultural counties represented as suffering severe distress—was far greater in proportion than in the counties containing large town populations. The whole amount which he proposed to place on the Consolidated Fund in the case of pauper lunatic asylums for the United Kingdom was 150,000*l.* The six agricultural counties which he had named would obtain, in the remission of the window tax, no less than 70,000*l.*, or nearly one-half of the relief he proposed to afford in respect of lunatic asylums to the whole United Kingdom. It was not fair, therefore, for the agriculturists to say that he had withheld much and given them little. It was true that he had withdrawn what he proposed to give in his financial statement; but in withdrawing that he had not been neglectful of the interests of the agriculturists; and if he had not made the change, he could not have placed the tax on a fair, and, he hoped, a permanent footing. The noble Lord the Member for Colchester (Lord J. Manners) said, the Government had paid no regard to the peasantry of the country. Now, the noble Lord knew perfectly well that the peasantry of England were never so well off as at the present time. The noble Lord knew that the reduction in the price of food was infinitely greater than any reduction which had taken place in the price of wages. Wages had not been reduced since the war, to the extent of one-half anywhere; prices had. Would any Gentleman get up and say that he knew a single district in which wages had been reduced to the extent of one-third or one-half? [Mr. Booker: The iron districts of South Wales.] He was sorry to find there had been a depression in the iron trade, caused, no doubt, by the cessation of the extraordinary demand which once existed on account of railways; but he must beg leave to remind the hon. Member for Herefordshire that that had nothing to do with the case of the agricultural labourers. The hon. Member for Buckinghamshire had put into his mouth words and arguments which he certainly never had used with regard to the subject of rating. He had always said, he considered that the whole of the charges upon a farm and farm-house amounted in fact to a deduction from the rent; and he believed it to be very immaterial to the tenant, in the long run, what the amount of rates was, because they were a charge upon the landlord. The hon. Member for Northamptonshire had warned the House of the danger of rural demagogues; and he (the Chancellor of the Exchequer) thought no demagogues were more dangerous than those who told the tenantry of England that they could no longer pay their rents, and who urged them to mount their horses and march upon Manchester. Those were the persons whom he regarded as rural demagogues, and he lamented that any persons, whatever their station in life, should have used such language and given such advice. He (the Chancellor of the Exchequer) fully concurred in the eulogiums which had been passed upon the character of the tenant-farmers; and he was not afraid of their being represented or of their possessing seats in that House, for he placed the fullest reliance upon their good sense and straightforward conduct. The hon. Member for Buckinghamshire had told them that he would keep out of sight all questions of protection; but what was the language held by that hon. Gentleman to a deputation of farmers who waited upon him last year? He did not tell them that he had given up protection, but that it was not convenient to urge it in the House; and he told them he would press upon the House a reduction of local taxation, because he hoped the Government would say, "We will not give you relief from local taxation, because we will not take away local superintendence; but we will get rid of all expectations of that kind by imposing a *5s.* duty upon corn." That was the plan which had been advocated elsewhere by the party of which the hon. Gentleman was a distinguished ornament and leader; and it was impossible to avoid seeing that this was the pole-star of their policy, and that, however convenient it might be for them to suppress it for the moment, that was the object at which they were truly aiming. He would have been glad if, as a right hon. Gentleman opposite (Mr. Gladstone) had suggested, he could have obtained a larger amount of taxation upon house property which might have been applied to the reduction of duties on articles of consumption; but he did not think it would have been possible to have carried through the House a house tax so high as would have been necessary for that purpose. He had before stated that if he levied an amount of house tax equivalent to that of the window duties, he should have imposed a heavy tax upon all the principal streets in large towns. It had been said that he ought to have carried the tax lower; but he thought it most desirable that taxation should not be carried very low. Indeed the amount produced would be so small that it would not be worth while to do so. Complaints had been made that, even starting from houses of *20l.*, he brought into taxation from 25,000 to 30,000 houses which did not now pay window duty; and he must of course have brought a much greater number under taxation if he had carried the duty down to houses of *10l.* a year. But what did the House suppose he would have gained by so doing? All he would have gained by imposing a house duty on such houses, on a value less than *20l.* per annum, as now paid window tax, would have been about *40,000l.* a year. He hoped the House would be satisfied that, under the circumstances, he could not have made a better arrangement than that which he now proposed. If hon. Gentlemen agreed with him in his proposal to repeal the window tax, they would vote against the proposal of the hon. Member for Buckinghamshire, because it was the first step that must be taken in order to carry into effect their wishes; if they were opposed to the removal of the window tax, then they would vote for the hon. Gentleman's Resolution. But they must not delude themselves with the notion that they could agree with him (the Chancellor of the Exchequer) in opinion, and with the hon. Member for Buckinghamshire in their votes.

Mr. W. MILES thought it extraordinary that, in his financial scheme, the right hon. Gentleman the Chancellor of the Exchequer should have thrown overboard the distress of the owners and occupiers of land, and have asked them tamely to submit to this total neglect, when he admitted that they were the only persons in the country who were labouring under great distress. He was astonished at the course which the right hon. Gentleman had taken in throwing overboard the relief which he proposed in his first Budget to give to the agriculturists, namely, the removal of the tax on cloverseed, amounting to *30,000l.*, and the remission of rates for supporting the lunatics of the country, to the extent of about *100,000l.* Both these remissions would have been a relief, however small, to the agriculturists. The right hon. Gentleman's first intention was to repeal the window tax, and impose a house tax; and his amended proposition merely went to an alteration in the mode of levying the tax. The right hon. Gentleman the Chancellor of the Exchequer stated that though the owners and occupiers of land were in a state of distress, the labouring population was prosperous. But he (Mr. Miles) would ask him whether that prosperity exhibited itself in the cheapness of the articles of beer, of tea, of coffee, and more particularly in regard to house rent? He was sure that the right hon. Gentleman would find upon examination that his argument was full of fallacy. There could be no doubt that the agricultural interest were suffering deeply. The distress of the agriculturists had been acknowledged in the Speech from the Throne; and he thought that the proposition of the hon. Member for Buckinghamshire was most just and reasonable. The right hon. Chancellor of the Exchequer had said that the Motion of his hon. Friend (Mr. Disraeli) was brought forward merely as a stalking horse, to blind the public, but that its real object was to reimpose a duty upon corn. Now, all he (Mr. Miles) could say was, that in the speech of the hon. Member for Buckinghamshire he had not heard one single allusion to the reimposition of the tax upon corn. To what must the agriculturists be driven at length, if, in their distress, that House refused every legitimate scheme for the remission of their burdens brought forward by those who represented their interests in Parliament? Nothing would be left to the agriculturists but again to try the sense of the House and the country, and endeavour to get back to that system which was conceived to be thoroughly exploded. He would ask them to look at what had been the state of the agricultural interest for the last few years. The loss which our landed interest had already suffered from imports, amounted to 10 per cent upon their income; and of the 300,000,000*l.* capital employed in the cultivation of the land, 100,000,000*l.* had been lost. The average price of wheat in 1848 was 50*s.* 6*d.*, in 1850, it was 40*s.* 2*d.*, being a difference of 10*s.* 4*d.* The average price of barley in 1848 was 31*s.* 6*d.*, in 1850 it was 23*s.* 4*d.*, being a difference of 8*s.* 2*d.* Why, even in the present year, when the Chancellor of the Exchequer first brought forward his Budget, the average price of wheat per quarter was 40*s.* 3*d.*, but he found that the price during the last six weeks had been only 37*s.* 3*d.* So that now all hopes of a rise of prices seemed to be gone. The average value of the agricultural produce of this country was stated to be about 250,000,000*l.*, and it was shown by the official returns that the value of agricultural imports and provisions during the last year was 14,338,080*l.* Hence it appeared that the foreign imports supplied about the seventeenth part of our whole consumption of provisions, and with such a state of things it was in vain to look for a rise of prices. Depend upon it, the discussions, such as they had had to-night, could not end there; for if they were determined not to do justice to the owners and occupiers of land, he trusted that a force still existed in the country which would wrest from them that justice which they would not concede. [*Cries of* "Divide!"] He would bow to the sense of the House, and would only say, in conclusion, that, entirely concurring with his hon. Friend the Member for Buckinghamshire in his endeavour to reduce taxation, he would give him his hearty support.

Mr. NEWDEGATE, who for several minutes attempted to obtain a hearing, but whose voice was drowned in vehement shouts of "Divide, divide!" said, that as the House seemed unwilling to hear him that night, he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Lord JOHN RUSSELL: I think, Sir, it is most desirable that the House should divide to-night. I trust, therefore, that in order to enable us to come to that division which cannot be very far off, those hon. Gentlemen who wish to adduce some reasons for the vote which they are about to give, should be listened to by the House.

Mr. NEWDEGATE begged to thank the noble Lord (Lord J. Russell) for interposing on his behalf, and he wished to state, in correction of what had been said by the right hon. the Chancellor of the Exchequer, that he (Mr. Newdegate) had characterised the proposed remission of the duty on agricultural seeds, and the tranference of the cost of pauper lunatics to the Consolidated Fund, as very insignificant. The Chancellor of the Exchequer had proposed to remit taxation to the extent of 1,500,000*l.*, and the amount of the proposed relief to the agriculturists was only 180,000*l.*, or about one-eighth of the whole. He thought he was fully justified in characterising that as a very insignificant *quantum* of relief to the distressed agriculturists. What he had said with respect to agricultural seeds was, that it was vicious in principle, inasmuch as it relieved one branch of agriculture at the expense of another; that other being the south of England, which had already suffered most from free trade.

Sir ROBERT PEEL said, he was anxious that there should be no misconstruction as to the vote, the conscientious vote, which he wasprepared to give that night on the Motion before the House. Yet he was unwilling to detain the House at that late hour with any lengthy statement of his views and opinions, however desirous he might be of doing so if they were discussing any financial or commercial scheme with a view of introducing changes into the free-trade policy of 1846. He was one of the class comprised under the denomination "owners and occupiers of land," that class which was allowed on all hands to be suffering under great, unparalleled, and, he believed he could prove were it needed, unforeseen pressure. Considering that from that class there flowed to the labouring, industrious, and poorer orders benefits as important and enduring as from any other class in the country, or from all other classes, as one of the country gentlemen of England whose interests were not antagonistic to those of the poor, but indissolubly united with them, so that the welfare and permanent prosperity of the one were indispensable to the well-being of the other—as such, belonging to that class, he felt that he, for one, could not give a silent vote on that occasion. It was too much the habit, and a dangerous habit it was, to call the agricultural interest a selfish and an egotistical class. He believed that that was very unfair towards them. He was simply desirous of stating that, although he was a free-trader and a landed proprietor, yet, nevertheless, he was desirous of giving his vote that evening in favour of a Motion which declared that if any alleviation of the burden of taxation was to be afforded, some attention should be paid to the owners and occupiers of land.

Lord NORREYS said, that having had above twenty years' experience of Parliamentary tactics he was old enough to know that the Amendment of the hon. Member for Buckinghamshire was one of the usual means by which a party out of power, without the responsibility of office, sought to disturb the party in power; it was, as usual, cleverly worded, for the purpose of catching agricultural votes, and rendering those who opposed it odious in the eyes of the agricultural community, for even the original wording had actually been altered, to catch, he presumed, the votes of unwary Members. However vague in its terms, one thing was clear—notwithstanding the alteration—that those who voted for it were indirectly opposing the remission of the window duty. The right hon. Chancellor of the Exchequer proposed to go into Committee on the window duties; this Amendment obstructed it. It was idle to suppose that by voting for a mere abstract resolution they were doing anything towards agricultural relief. He regretted to say that he believed the severe distress which the agriculturists were suffering was beyond the power of legislation to remedy; it was in a great degree to be attributed to the legislation of 1846, to which he had been no party; but now that they were so far advanced in the state of transition, he was certain that any attempt to reverse that policy would only aggravate difficulties. He suspected the Resolution meant something more than it professed. The language of many out of doors was, that Ministers ought to be got rid of before they introduced a Bill to extend the franchise. An hon. Member, in addressing a meeting in the country, had said Ministers were to be defeated by the aid of the Roman Catholic Members. Now, let the Gentlemen of that persuasion hear what they might expect if they lent themselves to such a proceeding. He held in his hand the speech of a distinguished itinerant agitator, who stood so high in the confidence of those who dined at Merchant Tailors' Hall, that he had been present there the other day. Mr. G. F. Young, in his mission of agitation, visited the county of Oxford, and had thus addressed some of his (Lord Norreys') constituents:—

> "Among other cheering circumstances, the most important and beneficial to the cause of protection which had occurred was the Papal aggression, and it would be curious to see the policy which Lord John Russell would pursue in reference to it. What said Mr. Cobden and Friend Bright on the subject? They were determined to support the Roman Catholic party, and would be antagonistic to the people of England; but, as free-traders, they were for free trade in religion as well as in politics. The free-trade party would be arrayed against Lord John Russell and the measures which the people of England were determined to carry into effect. Whether he would bear or forbear—whether he would dare to secede from his own published declaration, for the purpose of uniting the discordant elements of his Cabinet on this question, or not, was of little consequence—the people of England were sternly determined to have measures to repress the aggression of the Roman Catholic Church. A dissolution would in all probability be the result. Thus the work would be done for the Protectionists without their doing it themselves; for if they only returned a 'No-Popery,' it would be a Protectionist Parliament."

Now, he (Lord Norreys) would ask what did this mean but that the cry for Protection was not strong enough by itself? They were therefore recommended to call to their aid the spirit of intolerance and persecution—to set the people of England against Ireland, and to sacrifice the great principles of civil and religious liberty. Such was the advice of a gentleman high in the confidence of the Protectionist party, in addressing the agricultural body among whom he was actively engaged in an agitation for the restoration of protection. In order that the party ends of a faction might be served, the flames of religious discord were to be lit up—rancorous animosity between Catholics and Protestants was to be cherished, and the great principles of civil and religious liberty were to be trampled under foot. The Protectionists hailed the Papal aggression as a fortunate event, because they hoped it would throw into their own ranks the discontented Irish Members. He (Lord Norreys) altogether objected to the Amendment before the House, because he thought it was utterly useless for agricultural purposes; it was artfully worded, though vague in the extreme, aiming indirectly against the remission of the window duty, to the repeal of which tax a large minority had the other night, by their votes virtually proclaimed their hostility, and he objected to be a party to raising expectations for electioneering purposes among the agriculturists which he knew were doomed to be cruelly disappointed.

SIR W. JOLLIFFE said, he could appeal to a Parliamentary experience nearly of equal standing with that of the noble Lord who had last addressed the House; and that experience warned him not to make a speech at that time of the night, even although it should be in answer to the noble Lord. He would merely say that he left the noble Lord to congratulate himself on the success on the other side of the House which had attended the reading of the extracts from the speech which he had quoted for the edification of hon. Members. But it was the conduct of the right hon. Chancellor of the Exchequer alone which had compelled him (Sir W. Jolliffe) to rise in his place; and he must say, he had felt no small degree of surprise at seeing the right hon. Gentleman withdraw the boon which he had originally held out to the agricultural interest, because hon. Members on that side of the House had not received it in the tone which he had expected. The duty on seeds did not protect the agricultural interest; but it did protect the labourer in the southern and poor districts, by enabling him to maintain himself during the winter months. He should therefore regret if that duty were withdrawn. He had not said a word against the proposition to provide for pauper lunatics out of the Consolidated Fund. He regarded that as a boon yielded to the assertion of a principle, and he should be very happy to see it restored. He must, however, express his entire surprise that he or any other Member on that side the House could, on a great question, change the policy involved in the financial arrangements of a Whig Government.

The CHANCELLOR OF THE EXCHEQUER had never said a single syllable to induce hon. Members opposite to suppose that he attributed to them any change in the financial arrangements of the country. What he did say was, that a few Members representing the agricultural interest, had opposed the proposition for a reduction of duty on seeds; and, to prove that he was justified in that assertion, he need only remind the House that the hon. Member for North Warwickshire (Mr. Newdegate) had that night utterly repudiated the proposed reduction.

COLONEL SIBTHORP begged to inform the noble Lord (Lord Norreys) that, as a proprietor of land in the county of Oxford, he had had the honour of voting for him at the last election as the farmer's best friend; but he warned him that, if he stood forward at the next election, he should most assuredly oppose him. He could also assure him, that he need not trouble himself to seek the suffrages of his constituents any more. With regard to the Motion before the House, he feared at first that it might interfere with one of which he had given notice; but he would not permit any private feeling to prevent the exercise of his public duty, and he would cheerfully give it his support. As for the mass of persons opposite, he had no confidence in their political honour or consistency, and would therefore hold no communion with them.

LORD JOHN RUSSELL: I wish, Sir, to call the attention of the House to the delusion which I think is practised upon it, and upon a great part of the country, by the repeated Motions made upon this subject. This Motion, apparently the smallest of those of a similar nature that have been brought forward, merely proposes that, instead of going into Committee on the repeal of the window tax, "in any remission of taxation, due regard should be paid to the distressed condition of the owners and occupiers of land." Why, Sir, if, as the hon. Member for Buckinghamshire says, the window tax is to be repealed, and if he assents to my right hon. Friend's proposition on that subject, looking to the amount of the surplus, no special or effectual relief can be given out of the remainder of that surplus. But, taking the question as a general question, then I say, admitting what the hon. Gentleman alleges—admitting the importance and numbers of the landed interest—it is impossible to make any remission of taxation. You cannot remit duties upon windows, upon tea, upon soap, or upon any great article of taxation, without giving large relief at the same time to the owners and occupiers of land. If that interest pays 5 per cent of local taxation, it is evident that the remission of taxation on any great article of consumption must effect an equivalent relief to them. Let not the landed interest look to any special legislation on their behalf—let them not look to any legislation to fix a particular price to corn, or specially to exempt them from taxation; but let them look for relief, in common with the relief to other classes of the community, from a remission of that taxation; and if prosperity to the community is secured, depend upon it that great and important interest will prosper with the rest. But, Sir, that somewhat vague and unsatisfactory proposition can hardly be put forward to delay the going into Committee for a remission of taxation—hon. Gentlemen can hardly be prepared to substitute a general resolution instead of one giving practical relief. Here comes the delusion contained in all these Motions. The hon. Member for East Somersetshire (Mr. W. Miles) very truly observed that he heard no one say in the course of this debate—he certainly did not hear it from the hon. Member for Buckinghamshire—that protection was involved in this Motion. The hon. Member for Manchester (Mr. Bright) says, that he believes the hon. Member for Buckinghamshire has no intention to restore protection at all. Well; but if that is the case, why is it, that, when the simple-minded yeomen and farmers who wish the restoration of protection go to the hon. Gentlemen and other leaders of that party, and ask why they are continually bringing forward Motions about local taxation, with respect to a particular class or special question—why they do not at once ask Parliament to give them that protection—their answer constantly is, although it is not the direct object of the Motion, it is the indirect object; and they would find, if the Motion was ever carried, although protection was not expressly involved, that the restoration of protection would follow from the success of that Motion. Here is the delusion practised upon the Members of the House of Commons, and upon those great classes of the country who still hope for a restoration of their welfare in the restoration of duties on corn. Both parties are deceived. Hon. Gentlemen say they do not mean protection, and afterwards they say they voted for protection. On the other hand, while every one knows, by the test on the Motion of the hon. Member for West Gloucestershire (Mr. Grantley Berkeley), that a direct imposition of duties on the importation of corn would be, as it has been, rejected by a large majority, the divisions on these Motions are exhibited, and are considered by the country, as the test of the opinion of the House of Commons on the question of protection. I say hon. Members opposite would be dealing more fairly and more candidly with the great body of their countrymen if either they were to propose that Parliament should give relief by the remission of certain duties which they imagine affect the landed interest, and that then we should hear no more of protection—that great source for dissension should be for ever dried up; or if they said fairly, "We stand boldly on the question of protection. If protection is restored, we succeed—if it is denied, we fail." Let it be a fair Motion, and not a delusive Motion, and, as becomes a great party in this country, let them put the issue fairly between us.

Mr. M. J. O'CONNELL would not follow the rule of action of the hon. Member for the city of Dublin, as he could not call it either policy or principle. The hon. Gentleman had, unblushingly, before an assembly of English Gentlemen —[*Cheers*]—yes, unblushingly said, that whatever was the course of the Government, whether he agreed with their principles, or whether he did not, he would vote against the Government. If there were any Members who were disposed to be seduced, not into agreement with the hon. Member for Dublin, but to give their vote on secondary considerations, he asked them what could they think after the speech of the noble Lord the Member for Oxfordshire (Lord Norreys)? He (Mr. O'Connell) was glad to meet the noble Lord in the lobby on the Ecclesiastical Titles Bill; and if his seat were endangered, it was not from protection, but from the Protestant cry which had been raised. He asked those Gentlemen to consider what the noble Lord had said. Nine out of ten of those who supported an honest resistance to what he believed was an undue measure of aggression on the part of the Government against religious liberty, were inclined to oppose the Motion of the hon. Member for Buckinghamshire—they would not stultify themselves and be dragged through the mire with the hon. Gentleman opposite to favour the advance of any principle—they were not prepared *per fas et nefas* to oppose the Government. And, more than that, they knew, if his countrymen did not know, as they ought to know if they had read the history of their country, that freedom of commerce and freedom of religion did operate one on the other; and if aggression was made upon the freedom of commerce, aggression would be made upon freedom of religion also. He was rather in doubt, in the early part of the evening, how he should vote to-night, but he owned he had been converted; his mind had been settled, and the speech of the hon. Member for the city of Dublin had settled it. That hon. Member began by declaring that he was a free-trader, and when he (Mr. O'Connell) interrupted him, because of the ignorance he displayed of all manufacturing statistics, the hon. Member supposed that he was an eminent manufacturer. The hon. Member had been thoroughly manufactured—he was formerly the raw material of a free-trader; but now he appeared as a fine-spun protectionist. He recommended his countrymen to value the speech of the noble Lord the Member for Oxfordshire. After listening to that speech he was confirmed in his intention of giving his vote against the Motion, which was intended to hoodwink the British public, and to excite expectations among the agricultural classes which must be disappointed.

Mr. KEOGH said, that he rose with great reluctance to address the House at that late period of the night, but he could not allow the hon. Member for Kerry to resume his seat, even at that period, at that time, without saying one word in reply to him. His hon. Friend had risen to read a lecture to the representatives for Ireland, and he had risen to read that particular description of lecture which was embodied in this—that a certain number of Members of this House were being dragged through the mire. Without the slightest hesitation, he (Mr. Keogh) would appeal to the House, and ask, whether it could lie in the mouth of the hon. Gentleman opposite to talk of Members of this House being dragged through the mire? Well, the hon. Member for Kerry shrugged his shoulders at such an observation. He (Mr. Keogh) would not say the hon. Member was enjoying the pleasures of hope, but surely he might be permitted to enjoy the pleasures of memory; and their memory, according to hon. Gentlemen opposite, did not require them to go so far back as to pain their recollections, for he told them that he came down to the House that evening intending to vote one way, and then afterwards inclining to vote another. [Mr. M. J. O'Connell: No, no!] He begged pardon; he found that he had made a very great mistake. The hon. Gentleman came down here with a saving doubt in his mind; and, although this identical question was discussed some six or seven weeks ago in substance, he might say in form, he must say the hon. Gentleman approached the House this evening with a doubt how he should vote. He took a broad perspective view of all parties. He looked to the Opposition, formidable in its strength, though, according to the notions of the hon. Gentleman, not formidable in its principles, for that only involved the suffering agricultural interest of Ireland. He took a view askance also at the Treasury benches. There, different aspects in which the hon. Gentleman had viewed the position of parties, could be easily reconciled, and his doubts could be easily solved. The hon. Gentleman who came down in doubt, was not only perfectly satisfied as to the vote which he was about to give, but he took a higher course—he took upon himself to lecture those who might not have come down in doubt at all, who, in fact, had come down perfectly satisfied in their minds of the propriety of the vote which they ought to give. He (Mr. Keogh) had heard something about hon. Gentlemen being prepared to vote black and white against the Government. It was rather too late at this period to go into that question; but he only intended to trouble the House with a single observation with respect to it. He thought that the hon. Member for Kerry was the last person from whom such a remark ought to have proceeded. The political history of the last few years was not confined solely to the knowledge of the hon. Gentleman opposite. This was said to be a question of free trade; and it was said that any person who attempted to vote in favour of the proposition of the hon. Member for Buckinghamshire forfeited all connection with the great principles of free trade. Now, he (Mr. Keogh) must say one word on that subject. At the time when the great policy of free trade was being beneficially carried out by that distinguished statesman whose loss they all continued to deplore, there was then in opposition that party which now sat on the Treasury benches. There was at that time a course of policy pursued in the pacification of Ireland. That eminent statesman was in the zenith of his reputation, although, in the course which he was pursuing in carrying out the principles of free trade, he had endangered many old and attached political connexions. He (Mr. Keogh) would ask, did the noble Lord now at the head of the Government, and the hon. Gentlemen who sat with him on the Treasury benches — did they hesitate for a single moment to vote against that Minister, and to vote him out of power, merely because they thought that a question of civil liberty was involved in the maintenance of that Administration in power? Did they not vote him out of office on a measure which they themselves afterwards brought forward. Now, he would say one word about the vote which he intended to give. He intended to vote in favour of the proposition of the hon. Member for Buckinghamshire—a vote which, notwithstanding the insinuations and reclamations of one of the hon. Members for Kerry, for there was another Member for Kerry, and he would vote for the Motion—he was quite prepared to defend, and to defend on the broadest grounds of principle. The Motion of the hon. Gentleman the Member for Buckinghamshire only asserted that due attention ought to be paid to that interest which the Queen's Speech represented and lamented was a suffering interest. Why, then, should not the Irish Members support it, and what inconsistency was there in supporting a proposition which the Government announced in the Royal Speech, and maintaining the principles of free trade at the same time? He would not trespass on the attention of the House any longer, but would only declare that his vote would be as independent on the present occasion as his opinions on free trade were firm and sincere. But, as one anxious to discharge his duty to his country and to the House, he would not, looking at the terms of the Motion, refuse to give his support to the hon. Gentleman the Member for Buckinghamshire.

Sir T. D. ACLAND would not have intruded upon the notice of the House, had there not been a running party fire, from which he wished to withdraw himself. That party dispute had been introduced by the noble Lord the Member for Oxfordshire, and had, he regretted to say, received some countenance from both sides of the House. For his own part, he renounced any such incentives to Parliamentary action. After forty years' experience he felt bound to express his utter disapproval of acting or being influenced by any such motives. He would support the principles of the Motion, but he would do so solely on its own merits. Since the repeal of the corn laws had been sanctioned by Parliament, he had never given any factious opposition to the policy of the Government. He had once stepped in on behalf of a deeply suffering and injured class, the miners of Cornwall; but he would never join in any factious opposition, nor approve of combinations of Members representing extreme opinions, for he knew that such junctions were not calculated to confer a lasting benefit on any cause in which they occurred. They had still a surplus legislation—[*Laughter*]—he meant a surplus revenue. The question was what they would do with it. For his own part he saw no reason why the surplus should not be applied, or at least partially applied, to an universally-admitted deeply-suffering interest. Once more he would say, and no further would trespass on the attention of the House, that union in principle and sentiment would impart political strength, and when that union pervaded the nation, the objects for which it was intended would be accomplished; but to all unnatural combinations of the extremes of parties he confessed his strong and well-considered aversion.

Mr. J. O'CONNELL said, that the hon. Member for the city of Dublin (Mr. Reynolds) had thrown out two challenges which he felt bound to meet. The hon. Gentleman had said that no Irish Member would get up in his place and state that free trade had done any good to Ireland. Now he (Mr. J. O'Connell) said it had done good. He asserted that but for free trade thousands and hundreds of thousands more would have perished of famine in Ireland within the last few years, and that the burden of the poor-rate would have been greatly augmented. Then, again, he had been threatened with the censure of his constituents if he were not to vote for that Motion. He should, however, abstain from taking any part in that division, as he had already done on a similar occasion. It was true that a majority of the corporation of Limerick, consisting mainly of Conservatives and Young Irelanders, had passed a vote of censure on the course he had formerly pursued; but without any retractation of opinion on his part, and even with a stronger declaration than before of his views, that vote of censure had been rescinded by a large majority of his constituents. If anything could induce a waverer to vote for the Motion, which he did not intend to do, it would be the speech of the hon. Member for Buckinghamshire.

Mr. HENRY GRATTAN said, he did not rise at that late hour to lecture his fellow-countrymen—he left that to others. He might advise—he certainly would not reprove—for such an invidious task he had not sufficient presumption. But what had fallen from the Member for Kerry was perfectly harmless, and would pass by the Irish Members as the idle wind that they regard not. As to what fell from the Member for Limerick, he must observe that Ireland had not been relieved as was represented, nor had the lives of the people been saved, as was imagined. The repeal of the corn law, and the fanciful term Free trade, had done no such thing. At the time of the distress there was plenty of provisions in Ireland, if they had been properly distributed. To say that the lives of the people had been saved by the course adopted by Government, was absurd. Upwards of 237,000 Irish had died in the poorhouses within these four years, as the returns showed, and nearly 300,000 had emigrated. The effect of the corn law was not to feed the Irish on bread, but to disable them from getting labour whereby to procure it—in fact, the Irish poor were not fed on wheaten bread, but on Indian meal. He (Mr. Grattan), had gone with the father of the Member for Limerick to the Lord Lieutenant (Lord Heytesbury), with a view to procure his aid to relieve the distress—not by sending for foreign corn abroad, but by keeping and using the corn we had at home, for we had then twice as much grain as would have fed the entire population. One of the Government returns stated that sixteen millions of quarters of grain were in Ireland. We wished to secure the corn, and stopped the breweries and distilleries; but the fact was, that other interests prevailed, and accordingly Ireland was sold to the London and Liverpool merchants. I cannot, then, praise any Government, or any law under which, in a country so circumstanced, the people were suffered to perish. With regard to the Member for Manchester, he shows that he is unacquainted with Irish affairs, and mistakes, if he thinks they are prosperous. The country is not only in a state of misery, but many say in a state of ruin. The farmers are broken, the gentry are beggared, and the people are flying; abatements made by the landlords are of no avail; they cannot induce the tenants to till their land, or adhere to their country. The hon. Member said he knew of no abatement. I beg to say they have been made in cases I am acquainted with in the county of Monaghan, to the extent of 19 per cent, in Cavan to 20, in Wicklow to 20, in Longford to 25 per cent, and yet the best of the people abandon their land, leaving behind the poor, the aged and the infirm. Hence it is that I cannot support any law, or any system, or any Ministry, under which Ireland thus suffers. Hence it is, that I will vote for the Amendment of the Member for Buckinghamshire, as it favours the agricultural interest, and thereby the people of Ireland, for I cannot agree in a system by which the farmers are ruined, the lands are deserted, the gentry are beggared, and the people are banished.

Motion, by leave, withdrawn.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 263; Noes 250: Majority 13.

List of the Ayes.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackstone, W. S.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Burke, Sir T. J.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Copeland, Ald.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R
Curteis, H. M.
Dalrymple, Capt.
Dashwood, Sir G. H.
Dawson, hon. T. V.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.

Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Jermyn, Earl
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Loveden, P.
Mackinnon, W. A.
M'Gregor, J.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, F.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Ponsonby, hon. C. F. A.
Price, Sir R.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord J.
Sutton, J. H. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wawn, J. T.
Wellesley, Lord C.
Willcox, B. M.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Anson, Visct.
Arbuthnott, hon. H.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B
Bankes, G.
Baring, T.
Barrington, Visct.
Barron, Sir H. W.
Barrow, W. H.
Bateson, T.
Benbow, J.
Bennett, P.
Bentinck, Lord H.
Berkeley, hon. G. F.
Bernard, Visct.
Best, J.
Blair, S.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Bughley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Cayley, E. S.
Chichester, Lord J. L.
Child, S.
Christopher, R. A.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Corbally, M. E.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, W.
Currie, H.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Evelyn, W. J.
Fagan, J.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galwey, Visct.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. O.
Grace, O. D. J.
Granby, Marq. of

Grattan, H.
Greene, J.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harcourt, G. G.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, J. W.
Herries, rt. hon. J. C.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, A.
Hornby, J.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawless, hon. C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Patten, J. W.
Peel, Sir R.
Peel, Col.
Plumptre, J. P.
Portal, M.
Prime, R.
Prinsep, H. T.
Pugh, D.
Reid, Col.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Rushout, Capt.
Sadleir, J.
Sandars, G.
Scott, hon. F.
Scully, F.
Seymer, H. K.
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Welby, G. E.
West, F. R.
Whitmore, T. C.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Beresford, W.

Main Question put and agreed to; Act considered in Committee.

House resumed.

Committee report progres; to sit again on Monday next.

The House adjourned at a quarter after Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 14, 1851.

Minutes.] Public Bills. — 1ª Episcopal and Capitular Estates Management.
2ª Church Building Acts Amendment.

THE COUNTY COURTS—THE CRIMINAL LAW COMMISSION.

Lord **BROUGHAM** moved for returns connected with the County Courts (*Minutes of Proceedings*, 36, 37, 38, 39). He regretted to hear the complaints that had been made with respect to any increase of the salaries of the County Court Judges, for the working of those courts proved how highly beneficial they had been to the public. His noble and learned Friend on the woolsack had said that ninety-nine cases out of one hundred decided in those courts were for sums under 20*s.* He had looked at the returns, and he found that about one-third of the cases were for such sums, but it appeared also that out of 130,000 disposed of by those Courts last year, no less than 32,000 were for sums above 10*l.*, while he found that in the Courts of Queen's Bench and Common Pleas in the year 1827—the last year for which there was any return—the number was only 31,600. There was another subject that appeared to him to require attention, and that was with respect to the state of the criminal law digest. Nine months since he had had a correspondence with his noble and learned Friend on the woolsack. in which his noble and learned Friand expressed himself fully sensible of the labours of the Criminal Law Commission, and he (Lord Brougham) was in hope that something would be done with respect to it; but the Government had allowed that Commission to expire. Every one was aware that the labours of that Commission had been very great, and, even without its being renewed, he thought advantage might be taken of the admitted good the learned Members of it had done.

The LORD CHANCELLOR said, his attention had not been called to the subject of his learned Friend's last observations; but as to the renewal of the Commission in question, the Government were of opinion that it was not required. With respect to the cases that had been disposed of in the County Courts, he had merely said that a large proportion of them were of the description he had referred to on a former occasion, and when his noble Friend spoke of the increase of the salaries of the Judges, he (the Lord Chancellor) had mentioned that a considerable number of the cases disposed of by them required no labour.

LORD BROUGHAM said, that one reason why those cases were disposed of with so little labour was, that the Judges had the means of examining the parties themselves.

Returns ordered.

CHURCH BUILDING ACTS AMENDMENT BILL.

The EARL of CARLISLE moved the Second Reading of this Bill. The Commissioners for subdividing Parishes had presented two reports, and it was with a view of carrying into effect the greater part of the recommendations in their first report that the present law had been framed. The object of the Bill was to impart as parochial a character as possible to all divisions and subdivisions of parishes; and its details were chiefly directed to provide a sufficient amount of income for those clergymen who have the charge of such divisions of parishes. The Commissioners had recommended that some arrangement should be made to do away with Church Rates in their present objectionable form; but it had not been thought right to introduce any clause for that purpose in the present Bill. He thought the measure before their Lordships would have the effect of promoting Church extension throughout the country in a manner most unobjectionable to all parties.

The EARL of POWIS hoped that some provision would be inserted in the Bill with reference to outlying parts of parishes.

Bill read 2ª.

RAILWAYS IN THE SOUTH OF IRELAND.

LORD MONTEAGLE presented a petition from Landowners, Clergy, and inhabitants of Killarney and the county of Kerry, praying for the adoption of measures securing by local guarantee the payment of interest to parties willing to undertake the completion of the works for the construction of railways (*Minutes of Proceedings,* 53). The petition involved a most important principle, and he wished to call particular attention to it. Some years ago, when this subject first came before their Lordships—that of affording public assistance to railway companies in Ireland—although it was late in the Session, the measure appeared so likely to improve the condition of the country that their Lordships readily sanctioned the Bill. The line of railway from Dublin to Cork had now been completed. Mr. Drummond, however, in his report, recommended its being carried further west to Mallow, and from thence to Killarney. This railway had been partly constructed, but the resources were inadequate for its completion, in consequence of which the grand juries of the counties of Cork and Kerry had assented to the principle of assisting by the county rates the completion of this railway; and the question was whether, under the circumstances of the case, Parliament would be disposed to sanction that proposition. The railway would give employment to from three to four thousand ablebodied men, and be of the greatest advantage to the district. A Bill was now before the other House of Parliament on the subject, and he hoped when it came up to their Lordships they would give it their assent.

LORD REDESDALE said, the Bill was first introduced in 1845 or 1846, and the capital of the company then was 375,000*l.*; that estimate had now been reduced to 210,000*l.* This, therefore, was clear, that it was proposed, in the first instance, that the capital should be raised on 150,000 shares of 25*l.* each, and it was now proposed to reduce the amount to 14*l.* per share, so that the original proprietors would get rid of 11*l.* per share. The calls which had been made amounted to 6*l.* per share, and if all were paid up the sum raised would be 90,000*l.*, and the rule was that a railway company should not be allowed to borrow until half the capital was paid up. The power of borrowing, which they now wanted to take, went to the extent of 125,000*l.*, which would be 5,000*l.* more than the estimated cost of the whole line. There was also an extension of this line from Killarney to Valentia, for which no such privilege was asked; and, unless something was stated much stronger than anything he had yet heard as reason for dispensing with the Orders of their Lordships' House, he thought they ought not to sanction such a principle as that sought to be obtained by the Bill. The Galway case was not in point. In that case great distress existed, and that was the only ground upon which the public money was advanced, whilst in the present instance it appeared to him that private parties came forward and sought to raise money for their own private advantage upon the security of others.

EARL GRANVILLE deprecated the practice of discussing a general principle upon the presentation of a petition, and referring to a measure not before the House. There was some excuse, however, for this matter being then brought before their Lordships, and he found himself in the somewhat incongruous position of agreeing, to a certain extent, with both of the noble Lords who had addressed the House. The Railway Commissioners, in pursuance of their duty of reporting to both Houses of Parliament, had never given an opinion on the merits of Bills; but it was their duty to point out any unusual provisions in a Bill, or any clauses which might clash with the general law on the subject. Now, the provisions in this Bill were of an unusual character, and were not in accordance with the general law of railways; at the same time it was perfectly true that a precedent existed in the Galway case, where the Government had advanced 500,000*l.*, but the cases were by no means the same. He, however, thought that a great public benefit would arise from the proposed extension of this railway. He believed that it was matter of notoriety that great distress existed in that part of Ireland through which the line would pass, and the railway itself would not only be a public advantage, but it would give great employment to the poor; and, therefore, he thought the rules of the House ought not to be too closely applied with a view to prevent such an object from being carried out. It was necessary that great care should be taken in preparing such a measure; and it was impossible that this Bill could pass both Houses in its present shape; at the same time it would be the duty of the Government to consider whether a fair and unobjectionable mode might not be adopted by which the public advantages contemplated by the Bill in question might be obtained without infringing on the rules of their Lordships' House.

The EARL of HARROWBY said, there was such great distress in that county that he was sorry any technical rules of the House should stand in the way of its relief.

EARL GREY said, there two ways in which railways were advantageous: in the first place, from profits directly made from passengers and goods; and, in the second place, indirectly by the additional value given to land and particular parts of a country, by opening up communication. In the United States of America, and especially in the remoter parts of that country, railways which would be utterly ruinous speculations if they were merely to look at the receipt from passengers and goods, became very advantageous when they took into account the increased value given to the land through which they passed. He thought it would be very wrong for their Lordships hastily to assume that something of the same kind might not take place in Ireland. He thought it possible that there were parts of Ireland which suffered so much from the want of communication with other parts of the empire, from want of a good market for their produce, that it might be worth the while of owners of property in those particular parts of the country to consent to become subject to some liability in order to encourage the formation of railroads in those districts, even if these parties had no share in the returns on account of passengers and goods. He quite agreed with the noble Lord opposite, that it was quite right to call the attention of the House to a Bill of so unusual a character, and he quite agreed with his noble Friend near him that any measure founded on this principle ought to be looked at with the utmost care. He thought that, especially when they were legislating for Ireland, they ought to be careful there was not some job intended.

LORD BEAUMONT said, there was something peculiar in this case. The petitioners who asked for this power were not merely the company promoting the Bill. On the contrary, it was the party who was to give the guarantee. It was the ratepayers themselves who petitioned to be allowed to give a guarantee on the raising of this sum of money. It seemed a hardship to refuse such a request.

LORD STANLEY said, it seemed to be generally admitted that this was a principle of an exceptional character, and one which in ordinary cases ought not to be allowed. It was a proposition which the noble Lord behind him was not only justified in bringing, but it was his bounden duty to bring it, before the House. On the other hand, there was a general concurrence of opinion that these petitioners, not being the promoters of the railway, but who were merely desirous of giving a guarantee, would by giving it, add to the value of a large tract of land. It was proved also that there was a great amount of distress in the district through which the railway was to pass, which might be in a great measure alleviated by the introduction of a work of this character. And he thought a case had been made out for giving, under proper provisions, the guarantee of the county rates for the purposes of this railway. There was one peculiarity which applied to an Irish railway, but did not apply to an English one, which was, that these same parties who came forward to offer this guarantee, had, under ordinary circumstances, the power to lay out the very same funds for the making of roads. The question then was whether they would not allow the county to make a railway for the purpose of opening up the county, out of precisely the same funds with which they could make a road for the same purpose. It was possible it might not cost the county a single shilling.

LORD REDESDALE observed that it must cost them 25,000*l.* at once.

LORD STANLEY said, if he understood it, the county gave the guarantee to enable them to raise the money; but he apprehended the guarantee was not to go further than to make good the amount of interest in case the receipts from goods and passengers fell short. On these considerations he thought, though it was a case to be watched, it was an exceptional case, and one in which they ought not to adhere strictly to the technical considerations generally applicable to railways.

The EARL of POWIS said, as there was a general concurrence in the county that the guarantee should be given, it was a case in which they might step out of the ordinary course, taking due precautions.

The EARL of WINCHILSEA said, the House was greatly indebted to the noble Lord for bringing this matter before it. This was not a work which would do good to the whole county, but only part of the county. The House should well consider before they sanctioned such a principle.

LORD REDESDALE explained that the company proposed literally to do nothing of themselves.

LORD MONTEAGLE said, he felt justified in having specially called their Lordships' attention to this subject. He had stated that though the persons who subscribed the petition were of great importance, and represented a great extent of property, they were not the representatives of the whole county; but then he stated that two meetings had been held of the grand jury and of the ratepayers, and also that there had been held special meetings of the ratepayers in the district, and that all parties were unanimous in favour of it.

Petition to lie on the table.

BRITISH GUIANA.

LORD STANLEY: I have a petition to lay before your Lordships, of which I gave notice upon a former evening, signed by a very large number of persons of all classes in the Colony of British Guiana, praying for an entire alteration in the legislatorial constitution of that colony—(for the Abolition of the Court of Policy and the Combined Court of that Colony, and of all Offices and Institutions necessarily connected with those Courts, and for the adoption of a Representative Constitution in lieu thereof —*Minutes of Proceedings*, 54). The petition comes before your Lordships in rather an unusual form, but I hope not in such a form as to render its reception inconsistent with the rules of the House, inasmuch as the only departure from the usual form is that the signatures, instead of being appended or tacked together to the petition, are bound together in a book, which I now hold in my hand. The petition is signed by not less than 5,000 of the inhabitants of British Guiana, and amongst them I see the names of many persons holding prominent positions in the colony. The signatures include the names of all classes and all denominations—clergy, barristers, landed proprietors, merchants, shopkeepers, tradespeople of all descriptions, small freeholders, and labourers. I am sorry to see—because it does not give one a very high idea of the progress of education in the colony of late years—that a very large number of these signatures are subscribed by marks and not by name; and this applies not only to the labouring classes of the community, but in many cases to the small freeholders and even persons engaged in trade. But I must say with regard to these 5,000 signatures, that, almost without exception, the profession or trade of almost every person is given, and that the genuineness of the marks is in each case attested by the signature of a respectable witness. It having been represented that the views expressed in the petition were not the views of the colonists at large, it was thought desirable to procure a larger number of signatures from the lower classes than would otherwise have been the case. Before I proceed to state the circumstances of the petition, and the precise nature of its prayer, I must for a single moment describe the existing constitution of British Guiana, against which the petitioners remonstrate. That constitution is by no means formed upon an English model. It is practically, to all intents and purposes, the same constitution which it possessed at an early period under the old Dutch Government, and which was guaranteed on the cession of the colony to this country. There are in British Guiana two legislative bodies, or rather one consisting of two parts: one, the Court of Policy; the other, the Combined Court. The Court of Policy is constituted in this manner. The colony is divided into five districts; these five districts elect by franchise, which was a very high franchise, but has recently been lowered, seven persons, who form an electoral body or college of choosers. This college, consisting of seven persons elected for life, have power, as vacancies occur in the Legislative Council or Court of Policy, of selecting at their pleasure two persons, who are recommended to the remaining members of the Court of Policy, and the Court of Policy, out of these two persons, selects one who shall fill up the vacant place. Now, the Court of Policy consists of ten members—the Governor and four official members, and five other persons, who are nominated in the manner I have described. Into this portion of the court the principle of representation does certainly enter, but through a system of distillation which leaves exceedingly little of the representative character when the member elected took his seat. There are five persons, undoubtedly, who are selected by a body themselves selected, but elected for life, and upon whose return to the Court of Policy the previously elected members exercise that veto which consists in choosing one of the two returned. But inasmuch as the Court of Policy consists of only ten members, and of these ten five are the Governor and four official members—the four always acting under the authority of, and in conjunction with, the Governor—and the Governor possessing the advantage on an equal division of votes of a casting vote, it is apparent that all the elected, even by the qualified system of representation, are of one way of thinking, and can determine any question in whatever way the Governor may think fit. With regard to the election also of a member caused by a vacancy among the elected members, the Governor has sufficient power without the exercise of a casting vote; for the vacancy having reduced the non-official members to four, the Governor and the four official members form an absolute majority of the remainder. The election, therefore, is in the hands of the Governor. Now, the Court of Policy, constituted as I have described, is, properly speaking, the sole legislative body in the colony. No legislation can originate or be carried on except in that court. There is, certainly, another body, consisting of six representatives, whose duties are financial, and who are elected by the same constituency, and who sit with the members of the Court of Policy in what is called the Combined Court, and who there take into consideration financial subjects. Of course, although the Governor exercises a great authority in that court, he does not exercise the same absolute authority as in the Court of Policy; but he has not only the authority which he exercises by virtue of the free members which he has at his disposal (including himself), but the court is not permitted to originate anything whatever; it has only the power of dealing with the financial system and with taxation, and that merely for the purpose of checking and controlling systems of taxation originating in the Court of Policy. The Governor, however, has a further control, even over the Combined Court; for at any time in the progress of any measure, by his own single authority, he has the power to put an end to any discussion whatever, by moving and carrying by his own authority an immediate adjournment of the court, not merely to any future period, but *sine die*, thereby putting an end to the discussion. After the short description I have given of the legislature of the Colony, I think your Lordships will be of opinion that it is not one in which the representative system very largely prevails, or one which conforms very strictly to any British model; and that, if it is at all desirable to introduce the representative principle—if the Colony is fit for the introduction of institutions approaching to British institutions, the remedy is to be sought, not in a slight modification of the existing system, but in an alteration of the system altogether, in accordance with the prayer of the petitioners. I am not aware exactly of the precise nature and extent of the alterations introduced by the noble Earl opposite (Earl Grey) in 1849; but I believe I am correct in saying, that, while the constitution of the Court of Policy and the Combined Court remain entirely unchanged, the alteration was an extension of the franchise of the persons who had to choose the college of electors, and the substitution of a system of open voting for the vote by ballot, which previously prevailed. I am not quite sure, looking at the state of ignorance of a great portion of the population, that the mode adopted of extending, by lowering, the qualification, was the most desirable mode of introducing a change and similarity to liberal and British institutions. The vices of the want of representation still subsisted—the vices of the control of the Governor over the legislature still subsisted; and only the choosers were chosen by a more extensive, but probably inferior, class of persons. The fact is, that great discontent has prevailed in the colony with regard to the existing institutions for a number of years; and in consequence of this discontent, previous to April last a meeting was held, and a petition was sent to the Court of Policy, praying for an alteration of the system, and the introduction of the elective system, and a full and fair representative system. On the 3rd of April, a Motion was made in the Court of Policy, recommending that the present legislative and financial institutions of the Colony should cease to exist; that they should be replaced by a Council and House of Assembly; and that such resolution should be transmitted for the sanction of Her Majesty. The Court of Policy negatived that resolution—that is to say, they decided that the petition should lie on the table, and took no further step. On the 15th April, a large meeting was held in Georgetown, which was presided over by the mayor; and, on the 6th of May, another meeting was held, at which a committee of sixty persons was appointed to organise operations for the accomplishment of the change which they desired. In consequence of the petition of the 3rd April having remained unnoticed, the demands of the people on the 15th of April became stronger, and they demanded a purely representative Government, consisting of a Council, not nominated by the Crown, but elective, and a House of Assembly. On the 13th of June, a petition, emanating from the second meeting, was laid before the Court of Policy; and, from what motive I can hardly divine, but that same Court of Policy, which had refused to entertain the petition of the 3rd of April, then came to a resolution to this effect—that it is the opinion of this court that the legislative institutions of British Guiana are unsuited to the existing state of society, and that it is desirable they should be abolished and a House of Assembly and an elective Legislative Council be established in their stead. If anything were wanting to show the almost universal opinion of the Colony, it would be, that, in a body so constituted, such a self-condemnatory vote as that should have been adopted. Many meetings were subsequently held, and great activity prevailed. On the 18th of September, the Governor submitted to the legislative body a scheme not for the purpose of introducing direct representation in either branch of the legislature, but for the purpose of increasing from six to ten the number of financial representatives, and adding to the elective members of the Court of Policy the mayor of Georgetown. Immediately after the promulgation of the proposition, the Governor adjourned the meeting, without discussion, till the 30th of September. In the interval another meeting, very numerously attended, was held, which affirmed most strongly the declaration of the former meetings, stating that they would not be satisfied with such modifications as those proposed by the Governor, but that they claimed the establishment of representative institutions, upon the model of the British constitution. On the 30th of September, a resolution embodying that principle was proposed to the Court of Policy, and that Court did not negative the resolution, but, on the 8th of October, got rid of it by substituting an amendment, to the effect that the Court, recognising the propriety of not altering the constitution for the present without the full consent of all classes of the inhabitants, will abstain from legislation on the subject until sufficient opportunity be afforded to the memorialists for explaining in detail their plan for an Elective Council and a House of Assembly, defining what would, in their opinion, constitute a fair, free, and direct representation. Now, here is the Court of Policy condemning its own constitution, and resolving that it ought to be abolished. There is, then, a general assent on the part of the Colony in that resolution, and a general declaration that they desire to substitute for these institutions a House of Representatives upon a principle of general representation, combined with an elective Upper Chamber. Nothing can be more distinct or definitive than these propositions. I do not say whether they are propositions which ought to be adopted, or whether the state of the Colony is such that it would furnish materials for these two Chambers, or that, if they are appointed, that they ought both to be elective; but they go as far as possible in pointing out the views and objects of the people, who are represented by 5,000 petitioners out of a population not exceeding in the whole 100,000 persons. For a body which has condemned itself, to put the petition aside by calling upon the petitioners to furnish a detail of all the circumstances which will give effect to their own wishes, appears to me to be an evasion of a petition, expressing the plain, distinct, and almost unanimous sense of the colony. If anything were required in order to test the feeling of large bodies of the inhabitants, and of those in whom the power of election exists, so far as it exists at all, it may be shown by a single election which has taken place in Georgetown, caused by a vacancy in the College of Electors. The constituency as constituted by the noble Earl opposite, has been called on to pronounce its opinion between the chairman of what is called the Reform Association, which supports the principle of representative institutions, and the supporters of the present system. Of 148 persons who voted, 124 voted in favour of a purely representative system, whilst there were only twenty-four votes in favour of an adherence to the existing constitution of the country, modified as it was proposed to be. I believe I have now laid before your Lordships the facts of the case, and the universal feeling of the colony in favour of a substantial amendment or alteration of the present system. The petitioners state that they would earnestly press upon the consideration of your Lordships, that a spirit of deep discontent has been engendered—that they have a general conviction that the public expenditure is not only extremely onerous on all classes, but, considering the present state of the colony, recklessly extravagant; that the high taxation has enhanced the cost of living to an extent which has been painfully felt by all persons in the colony not in the receipt of Government pay. It is notorious to your Lordships that British Guiana, in common with other colonies, has suffered by recent legislative measures. I am not going to discuss them. But the result has been that the whole revenue of the colony has diminished, whilst the pressure of taxation must fall much more heavily upon diminished incomes than it did in the days of high and remunerative prices; and it is felt by them as a special grievance, that whilst their own produce is subjected to a very serious competition with other produce, and gives a very inadequate remuneration for the labour bestowed upon it, they are obliged, for the purpose of maintaining a high rate of salary for the official servants of the Crown, to impose taxes on the necessaries of life. I call the attention of the noble Earl opposite particularly to this complaint. They complain that while all protection is withdrawn from their own domestic produce, a high tax is put on those articles which it is necessary for them to import for their actual subsistence, and that for the purpose of keeping up the high salaries of officials, which are much more valuable to the holders and more oppressive to the payers than when produce fetched higher prices. I do not say anything with regard to the specific proposition of the petitioners. I do not pretend to such a knowledge of the colony as would enable me to state whether it is in a condition to establish two separate legislative bodies—the one returned by direct representation, the other either by the nomination of the Crown or by election also, as these petitioners propose, by a higher rate of franchise than that required for the Representative Assembly. I do not say that that process ought to be introduced. But this I do say, that if the colony is in a state of advancement and enlightenment—and I have no reason to believe it is not—commensurate with those of Her Majesty's other West Indian possessions—if there are a considerable number of intelligent and well-educated men, and there is a general feeling among them in favour of the introduction of the British representative system, in lieu of the old, obsolete, and badly-working Dutch system—on every principle we are bound to attend to the wishes of these colonists, and not hastily, not injudiciously, not incautiously, approximate as soon as we can to the purely representative system, and pave the way for the introduction of that system, not by modification and tinkering that which is adverse to British views of constitutional representation, but by introducing the principle of direct representation, with regard, at all events, to the upper branch of the assembly, under such safeguards as may be thought necessary. The noble Earl is bound, unless there are strong reasons, which I do not see, to the contrary, to defer to the general, I may almost say the unanimously expressed, wish of the colony, and to grant such modification, with such restrictions as he may think fit to impose, to the principle of direct representation, for the purpose of enabling the people to exercise that control not only over their own financial affairs, but over their legislation generally, which is conceded to every class of British colonists as soon as the condition of the colony is such as to enable them with advantage to themselves to take upon themselves the management of their own affairs. I commend the petition to your Lordships' notice, and the attention of the noble Earl opposite. I do not pretend to dictate, or even to suggest, what precise course should be taken; but I earnestly hope that his attention and that of Her Majesty's Government will be directed to getting rid of the well-founded ground of objection arising out of an obsolete system, and the substitution for the old Dutch system of something like that British freedom which our Colonies ought to possess.

Earl GREY: I entirely concur with the noble Lord that it is most desirable that British colonists, as fast as they are fitted for it, should enter into the enjoyment of the representative system, founded, as far as it is practicable, upon the model of that existing in this country. But much of what the House has heard from the noble Lord, goes upon the assumption that the demand for direct representation is general in British Guiana. But, in the first place, I cannot admit that this petition expresses the general feeling of the people of the colony—so much the contrary, that on looking over the signatures I believe the noble Lord will find the absence of a very large proportion of names of the greatest weight and authority in the colony. I have here a despatch which has recently been printed, in which the Governor, speaking of a memorial delivered to the Court of Policy, and containing nearly the same signatures as the present petition, says that it fails to convince him of the all but unanimous concurrence of the inhabitants in its object; that although the names of some highly influential persons may be recognised, the names of the great majority of the resident proprietors are certainly absent, and their places are all supplied by the names of their clerks and overseers, and that the great bulk of the respectable resident population is opposed to the plans of those who have put 1,400 marks in lieu of signatures to this petition, and who for the most part are members of the London Missionary Congregations. Now, if you have a representative government, it should be a representation resting on a really wide basis. But so far are they from being agreed upon that point, that although they have been repeatedly asked to do so, they have never been able to agree among themselves what franchise they would have; and it is perfectly notorious to all persons who have a knowledge of parties in British Guiana, that the petition emanates from a coalition between two most opposite parties—one party who want to have the extreme of democratic institutions, another party who wish to re-establish that which formerly prevailed—the complete power of a small oligarchy, consisting of a small number of persons holding in their hands greater power than the Governor. The noble Lord adverted to the changes made in the year 1849; now I can state to the House that antecedently to those changes, six or seven persons could return any one they thought proper to the Court of Policy—in that year, however, the franchise was enlarged. I must confess that when I look at what British Guiana is, I very greatly doubt the expediency of proceeding at once to offer a constitution which will really throw the power into the hands of the great body of the population. I must first consider what that population is. There are, I believe, under 1,000 persons of European descent in a population of somewhere about 130,000. That 130,000 individuals were in great part formerly slaves; Coolies from the East Indies, and Portuguese from Madeira. The population of Guiana is one made up of these various and conflicting elements, consisting mainly of persons—as it appears by the very petition which the noble Lord has presented—so ignorant that they must affix their marks instead of their signatures to the petition. Nor is this all. In Guiana, owing to the high rate of wages and the low value of land, persons of little education are able very rapidly to acquire property; and, as the noble Lord has remarked, out of those who are described as freeholders in the petition, a very large proportion have added their marks, and not their signatures. Therefore, if you adopt any pecuniary qualification whatever—even one which in this country might be considered a high one—practically a large amount of power would be thrown into the hands of people who are perfectly ignorant. On the other hand, if it were sought to throw the whole power into the hands of the planting interest, that would be still more objectionable. Nothing could be more injurious to the real welfare of the people of that colony than that you should create an oligarchical power of that kind. Hence, it appears to me that the really judicious course is gradually to improve upon those institutions which we find existing in that country, and, building upon that existing foundation, gradually, and as the people become prepared for it, to increase the amount of popular authority. This has already been done to a certain extent. But the noble Lord has expressed a doubt as to whether the alteration in the franchise effected in the year 1849 was a wise one. In my opinion, the facts are quite decisive upon that point. The franchise at that time was, as I thought wrongly, confined to an extremely few hands. The absentees were able to act, through their attorneys, to a very preponderating extent; and although I have no objection that property should have its fair influence in the representation of a country, at that time the fact was, that practically a very few people were able to return the Court of Policy. By the alteration which was adopted, a franchise was given by which already there are between 900 and 1,000 electors, and that number is likely rapidly to increase; because there is no doubt that, under the law as it stands at present, a large additional number of electors might be qualified if the parties chose to claim. The Financial Representatives are chosen by direct election; the voters have the power of preventing the imposition of any new taxes, and of regulating all the financial affairs of the colony. In all financial matters the colony does already possesss, to a great extent, the power of self-government. My Lords, I have said that this petition does not represent the opinions of the great majority of the persons in the colony, and still less does it represent that of persons in this country who are deeply interested in the welfare of that colony, and who possess a large proportion of the property there. I hold in my hand a Resolution which I received only a short time before I came here to night, and which was transmitted by the chairman of a meeting of proprietors very largely interested in British Guiana. The opinion they entertain is this—that, under the existing institutions of that colony, the taxpayers possess an effectual control over both the imposition and the expenditure of the taxes; and then they go to point out several reforms and alterations in the existing institutions, which they consider desirable, and which would, in their opinion, be greatly preferable to any sweeping change of the constitution as it now exists. To the alterations which these gentlemen propose, I see no objection whatever. On the contrary, I believe they are sound in principle, calculated to improve the existing institutions of the colony, and gradually to prepare it for the enjoyment of still greater freedom. Accordingly it will be my duty to send out these Resolutions to the Governor, and strongly to recommend to him that a measure founded upon them should be passed by the Court of Policy. I believe that those Resolutions have been adopted by every considerable merchant connected with Guiana, resident in England, Scotland, and Ireland. I cannot help, therefore, thinking that these very intelligent and respectable gentlemen most deeply interested in the welfare of the colony, are quite fit to be trusted with a matter of this kind; and the opinion thus expressed by them is one which ought not to be lightly rejected in favour of that petition which is signed by a small portion of the inhabitants of that colony, and in which, to a large extent, the signatures are not signatures but marks. Then the noble Lord went on to say that, under the existing constitution of the colony, the burden of taxation is very heavy, and that the financial affairs have been very ill-managed. Now, since the last five years, all the changes that have been made have been for the relief of the colony. A large reduction of expenditure has taken place, and a considerable reduction of taxation has taken place also. But the noble Lord said that since that time the Act of 1846 had been passed, an Act which so much affected the property of the colony as to make the necessity of a further reduction of taxation more urgent. Now, I believe, if the noble Lord will look at the actual state of that colony, he will find that it is certainly not less promising in regard to cultivation than it was when the Act of 1846 passed. I will venture to say—and I challenge inquiry into the subject—that the noble Lord will not find, comparing the actual price at which sugar is produced in Guiana, and the price which it realises, that any change for the worse has taken place: in fact, the Governor, in recently opening the Session, congratulated the Court of Policy upon the dawning of better prospects for the future; and I believe he made the statements which he did without being contradicted. Much has been done to reduce the cost of cultivation in the colony, and the fall of wages is equal to the fall of the price of food. I ventured to state upon a previous occasion, that here the effect of protection was to keep up wages. In the case of Guiana, with a limited population, and with an immense demand for labour, there was at that time little inducement to labour; the people would not do more work than was necessary to maintain themselves. Now, the effect of the high prices of sugar inducing the planters to bid against each other was to raise wages, and at the same time to diminish the amount of labour performed. This is what I stated at the time would be the case, and what has been proved by experience. The rate of wages has now fallen to this extent, that the population do more work now for the same wages than they did formerly; and this, in the state of society at Guiana, is an unmixed good, not only to the planters but to the people themselves; because it is most desirable that an adequate motive should be found to labour, and that no desire should exist to encourage the system of idleness which previously prevailed in the colony. The noble Lord stated that the effect of the measure of 1846 has been so to injure the colony as to make a great reduction of taxation necessary. Now, if we look at the facts before us, I find no proof of this. What is the actual state of affairs? At this moment the Governor has been able to propose in the colony a reduction of taxation to the extent of no less than between 150,000 and 200,000 dollars. And how has he been able to do that? Why, mainly by the increased productiveness of existing taxes. Surely that is no proof of general distress in the colony. It seems to me to be a decided proof of the reverse. I am also happy to say that a great part of this reduction is to be a reduction of the duties upon imported provisions—because I concur with the noble Lord with respect to that colony —and I only wish he concurred with me in the same principle as regards England —that no more suicidal policy could be adopted in Guiana than laying heavy taxes upon the importation of the necessaries of life. But even the existence of self-government could not prevent this, for we do not find that in the West India Islands, for example, any wiser policy has been adopted than that of the Legislature of Guiana. I think, however, that the Combined Court, in its present sittings, will make large reductions in these objectionable duties upon imported provisions, and that will be followed in future years by their entire removal. I think that is most desirable, because I firmly believe that the effect of these duties upon provisions in the West Indies is most injurious both to the planter and the labourer. It is at all times injurious to the labourer that labour should be artificially restricted; and it is specially injurious to the planters, because in Guiana, by laying a tax upon imported provisions you are virtually giving an encouragement to the negroes rather to keep themselves in their own provision grounds raising provisions, than earning wages from the planter in the sugar mill. It makes the provisions dear; that is, in fact, it makes what the people can purchase with the wages they earn, less than would otherwise be the case; and I therefore think the Government has taken a most judicious course in proposing to reduce the duty upon imported provisions. In fact, the whole of the reductions which the Governor has proposed will really fall, in a great measure, upon those articles. I say, then, that in my opinion, it would be most desirable, if the population was prepared for it, that we should establish more completely representative institutions in Guiana. But as matters now stand, I concur with the gentlemen whose opinions I have now quoted, and who were, I believe, holders of a large proportion of the property in Guiana, that it is far wiser to endeavour cautiously to improve the existing institutions of that colony, than at once to sweep them away, and substitute a scheme altogether new and untried.

Lord STANLEY would have been inclined to attach much more importance to the statements of the gentlemen cited by Earl Grey if they had not asserted that the colonists were not, in their view, fitted for representative institutions; whilst the noble Earl said, that they had already a highly-intelligent and numerous constituency in Guiana—a constituency of about 1,000 persons—a constituency which would be much larger than it was if persons would come forward and claim the privilege; and that that constituency had now the power of dealing with all financial questions. The noble Earl said, that there was an extended constituency which might be made more extensive still; and that this constituency did in fact at present exercise control over the legislation of the colony. But, if that were so, the authority of the practical men to whom the noble Earl referred was at once destroyed; for the noble Earl did not state that the constituency were unfit, but that they did exercise control. Then why not let them exercise that control by direct representation rather than by a system of which the colonists complained as being so repugnant to them.

Earl GREY said, that there was a material difference between throwing practically the whole power into the hands of the population of that colony by such an assembly as was asked for, and giving a well-regulated power over the imposition of taxes, which was already possessed by the constituencies, who elected the financial representatives.

Petition to lie on the table.

RAILWAYS IN BRITISH NORTH AMERICA.

Lord STANLEY said, he had another petition to present, from an association of persons in this country who were deeply interested in emigration to North America (*Minutes of Proceedings*, 55). It had reference to Papers which were recently laid upon the table of the House, from which he (Lord Stanley) was glad to see that Her Majesty's Government were prepared to give some assistance, and the guarantee of this country, to the Legislatures of Nova Scotia, New Brunswick, and Canada, for the purpose of establishing a railway between Halifax and Quebec. The petitioners (the Committee of the Canadian Land and Railway Association) were connected with a number of skilled and unskilled workmen, who could not find employment in this country, and were desirous of emigrating to Canada, and they prayed that, in carrying into effect the railway from Halifax to Quebec, Her Majesty's Government would not lose sight of the connexion which might be wisely and advantageously established between a well-regulated system of emigration and colonisation, and the construction of this great national work. He mentioned this now because he did not see any definite mention made in the Papers as to how far the noble Earl was disposed, with regard to New Brunswick particularly, to take the larger portion of the land adjoining the proposed line of railway as a collateral security for the guarantee of the Government. With regard to Nova Scotia and Canada he believed such an arrangement was unnecessary; but with regard to New Brunswick he was afraid that, looking at its present financial position, and looking also at its want of resources, as well as the peculiar adaptability of its lands to purposes of colonisation, that colony would not be able to give the Government a sufficient security for the payment of the sums to be advanced on loan unless the Government accepted as a portion of the security a surrender of the waste lands, which had already been offered by the colony. He saw no reference to that in the Papers laid upon the table by the noble Earl.

Earl GREY said, that with regard to the matter to which the noble Lord had adverted, he had only to point out to the noble Lord this circumstance, that the manner in which it was proposed that Her Majesty's Government should guarantee the loan, would make the whole revenue, both territorial and general, liable, in the first instance, for the payment of the interest on the loan. If the proposal had been that this country should make the loan, or should guarantee the interest to the company making the loan, it was obvious that it would then be material, in the first instance perhaps, that there should be a certain right to the land on both sides of the line to afford the means of meeting the costs. But if the responsibility of this country was confined to guaranteeing the payment of a loan raised in the money market by the colony on the security of all its resources, territorial and general, that arrangement would be no longer applicable.

Lord STANLEY thought the matter well worthy the consideration of the noble Earl and Her Majesty's Government. True, the whole of the revenue and the lands of the colony would be the security for the guarantee of this country; but he doubted very much whether the revenue of the Province would, after providing for carrying on the administration of the Province, be a sufficient security for the sums required to construct the railway through New Brunswick. But even if it were, he thought that in a national point of view, and particularly with reference to emigration from this country, very great advantage would be obtained by placing under the control of the Commissioners, who were, he understood, to act in conjunction with the colonial authorities, the promotion of colonisation along the line by emigrants going out under the superintendence and control of the Government. In that manner the surrender of the control of these lands along the railway, might, not only pecuniarily, but politically, be a most important matter for this country, with a view to transferring thither a large portion of industrious emigrants, who would not easily find their way there if the lands were not taken under the control of the Commissioners, but left to be disposed of by speculators for what they would fetch in the market.

Earl GREY was understood to say that he thought any arrangement of this kind premature at present.

Lord STANLEY said, he thought the colony should be in the position of being able to offer a real security for the guarantee of this country; but he was afraid that without the surrender of the lands the colony would not have it in its power to give such security, and he should be sorry indeed if such an opposition were raised as that Parliament would be dissuaded by the insufficiency of the security to refuse its guarantee.

Petition to lie on the table.

House adjourned to Thursday the 1st of May next.

HOUSE OF COMMONS,

Monday, April 14, 1851.

Minutes.] New Member Sworn.—For Aylesbury, Richard Bethell, Esq.

Public Bills.—1° Sale of Arsenic Regulation. 3° Expenses of Prosecutions.

ST. ALBANS ELECTION.

Mr. EDWARD ELLICE brought up the Report of the Committee.

House informed, that the Committee had determined—

> "That Jacob Bell, Esq., is duly elected a Burgess to serve in this present Parliament for the Borough of St. Albans."

To be entered in the Journals.

House further informed that the Committee had come to the following Resolutions:—

> "That, notwithstanding successive special adjournments of the Committee for the purpose of procuring the attendance of persons whose evidence was proved to be most material to the prosecution of the case of the petitioners, such evidence has not been produced; and that, although all diligence has been used for the purpose of securing the attendance of the parties required, such endeavours have been unsuccessful.
>
> "That it has therefore been impossible for the Committee to investigate thoroughly the allegations of the Petition referred to them.
>
> "That it has been distinctly stated by some witnesses, and the general tenor of the evidence given leads the Committee to believe, that a system of gross corruption prevailed at the last Election for the Borough of St. Albans, and also on former similar occasions.
>
> "That it is the opinion of the Committee, that further inquiry, by means of a Commission under legislative authority should be made, into the corrupt practices alleged to be customary at Elections for the Borough of St. Albans."

Sir R. H. INGLIS wished to draw the attention of the House to the point which had so often been raised as to the legal constitution of the St. Albans Election Committee, namely, that whereas the law forbade a Committee on a controverted election to adjourn (except on certain specially excepted occasions) for more than twenty-four hours without the leave of the House being first asked and obtained, the Committee in this case had adjourned first and then asked permission, whereby he understood it had been held by hon. Gentlemen far more able to judge in the case than himself, that the Committee had ceased to exist. If that were so, then the Report which had just been presented, was no more the Report of a Committee of that House, than it was of a Committee of the Carlton or the Reform Club. He gave no opinion upon the merits of the case, for he had not read the evidence; but he was bound to say that though it appeared from these Resolutions that five hon. Gentlemen had stated their conviction that a system of gross corruption had prevailed at St. Albans, it was not equally clear to him, that these five Gentlemen constituted at the time a legal Committee; and therefore the House ought to be very careful how it seated Mr. A. or Mr. B. on the Report of a Committee which might have no right to be recognised as such. In order that this point might be settled before the House adopted the Report of what might turn out to be a defunct Committee, he should move that the Report be considered to-morrow, or on any other day that would be more convenient to the House.

Mr. SPEAKER said, the Act 11th and 12th Victoria, c. 98, required that after a Committee had made their Report to the

House, the House should order the same to be entered on the Journals.

SIR R. H. INGLIS: But here it is a question whether the Report made be not the work of a Committee which has ceased to exist, and, therefore, an invalid Report.

MR. EDWARD ELLICE said, that in consequence of what had passed in the House the other night, the Committee, in accordance with what seemed to be the general feeling of the House, was prepared that morning to hear any argument upon the point which had been raised. It had not, however, been alluded to by the counsel on either side; and therefore, as neither he nor any Member of the Committee thought it would be right or proper to broach the subject, they had heard the case to its conclusion, and formed their judgments upon its merits.

MR. BANKES thought the question was not one between the parties, but it was one in which the House was peculiarly concerned, affecting, as it did, the regularity, as well as the legality, of its proceedings. The further consideration of the question, which had previously been before them, had been adjourned till five o'clock that day; and he therefore suggested that the subject be postponed until after that hour.

SIR G. CLERK was of opinion that they could run no danger of having their decision questioned elsewhere, if they merely recorded upon the Journals the Report of a Committee upon an issue which they had been specially appointed to try. The decision of the Committee upon the merits of a return was final against all parties whatever; and, if the House were to take upon themselves to say that the Committee had been guilty of some slight informality or irregularity, and they would not therefore record the Report, they would at once reintroduce all the evils with reference to deciding controverted elections which the Grenville Act, and, still more, the Act under which these Committees were appointed, were designed to remedy. Suppose that the Committee had decided otherwise, and declared the election to be null and void, would the hon. Baronet propose that a writ be not issued for a new election? [Sir R. H. INGLIS: Hear, hear!] The hon. Baronet was inclined to go the full length; but he believed that that Gentleman considered a Committee of the House was an altogether improper tribunal for such inquiries; and he would remove them into another court. Whatever informalities, however, might have been committed, he (Sir G. Clerk) was convinced that the House was bound at once to receive the Report, and the Act made it imperative upon them to order it to be recorded in the Journals of the House.

The ATTORNEY GENERAL agreed with the right hon. Baronet who had just sat down; and considered that if the House adopted the course proposed by the right hon. Baronet (Sir R. H. Inglis), it might get involved in far more serious difficulties. The course which it was their duty to pursue was perfectly simple. The Act said that the decision of the Committee should be final to all intents and purposes; and in fact the simple duty of the House was merely to record the Report which the Committee made. It appeared that the question as to jurisdiction had not been raised at all by the parties interested; and, with great submission, he suggested that there was a Motion before the House on which they could discuss the subject. The Committee had brought in their Report: that Report was not objected to by any of the parties concerned, and therefore he apprehended that it must be received. With respect to the party in custody, he hoped that he would, under the circumstances, be discharged; but that was a subject which would come before them at another period of the evening.

MR. T. GREENE quite agreed with the right hon. Baronet (Sir G. Clerk), and the hon. and learned Gentleman, for he thought that if the House followed the advice of the hon. Baronet (Sir R. H. Inglis), it would be establishing an awkward precedent. He was of opinion, however, that the whole subject ought to be taken into consideration, and that a Committee should be appointed for that purpose.

Report to lie on the table.

Minutes of Evidence to be laid before this House.

EXHIBITION OF THE WORKS OF INDUSTRY.

SIR DE LACY EVANS said, he wished to ask the right hon. President of the Board of Trade a question relative to space in the Exhibition building being granted to exhibitors of inventions, who have been hitherto restrained from making application, or sending in their goods, by the delay which has taken place in passing the Designs Act Extension Bill.

MR. LABOUCHERE said, that what had taken place was this. It was necessary for the Commissioners and the Executive Committee to know, at an early period, what amount of space would be required, and what articles would be sent in for exhibition; and the parties requiring space had been called on to send in their claims before the 31st of October last. The result was, that twice the space the Commissioners had at their disposal was applied for. The various claims were referred to the local committees for selection; and they were advised at the same time what space could be allotted to each district. With regard to subsequent applications, such as those referred to, wherever, from unforeseen circumstances, any vacant space was left, owing to parties not sending goods who were expected to do so, or from any other cause, it was the object of the Executive Committee to distribute that space in a manner which would be most useful to the Exhibition, and most just to the various exhibitors. He had been asked whether there existed any intention on the part of the Board of Trade to make use of that power which was given them in an Act lately passed, to license any other place where persons having inventions which they had not been able to get into the Exhibition, might exhibit those inventions. He did not think the Board of Trade would be justified in extending those provisions of the Act to any exhibition except that in Hyde Park. But should it happen, contrary to his expectation, that inventions were excluded whose number and importance justified such a course, it would be in the power of the Board of Trade to adopt it. As far as his information went, he did not think there was at present any cause which would justify the Board of Trade in exercising that discretion.

THE METROPOLITAN SEWERS COMMISSION.

SIR B. HALL wished to put a question to the noble Lord at the head of this Commission. He found, from a Parliamentary paper recently issued, that the Metropolitan Commissioners of Sewers had, during the last year, received no less than 91,000*l.*, and that they had expended in works 57,635*l.*, while the management and superintendence had cost 21,164*l.*, or 40 per cent upon the cost of the works executed. He begged to ask the noble Lord whether he could hold out hopes that any reduction in the cost of the management of that Commission was likely to take place? He also wished to know when the report upon the Victoria-street sewer would be ready.

VISCOUNT EBRINGTON would answer the last question first. The Commissioners did not altogether acquiesce in the representations contained in the report that had been prepared upon the Victoria-street sewer. It had been made by a subordinate officer; and one of the most distinguished of his (Viscount Ebrington's) Colleagues being of opinion that it was not a correct report, the chief engineer had been directed to investigate and report upon the subject. When the two should be ready, he would lay them upon the table of the House. With regard to the expense of management, he had to state that, though under that general head 21,164*l.* appeared to have been expended, it must be remembered that the Commission of Sewers was not only a body for expending but also for collecting money, and that they comprised very extensive and complicated arrangements for collecting the rates from the vast number of householders within the metropolitan districts. He had carefully gone through those expenses himself, and he had ascertained that of the 21,164*l.* upwards of 3,500*l.* was directly traceable not to the expenditure of the Commission, but to the collection of the ways and means which enabled them to carry on their works. It was further necessary that he should observe that the expenses of the Commission with regard to works had been only on account of works already executed, whereas the surveyors and engineers that they had paid had prepared in the course of last year the fullest specifications ready for contracts to be undertaken to the extent of 170,000*l.* Those contracts would have been accepted if Parliament had so worded its Acts as to enable parties to consider that they would be justified in lending money upon them. As it was, all those works were entirely suspended at present.

ST. ALBANS ELECTION.

Order read for resuming Adjourned Debate.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. AGLIONBY would now remind the House, that, when the question was last before them, he had moved that Henry Edwards, having been informally committed to the custody of the Serjeant-at-

Arms, should be discharged without the payment of fees; and that thereupon the hon. and learned Member for Midhurst (Mr. Walpole) moved, as an Amendment, that Henry Edwards be forthwith brought to the bar, and examined as to the allegations in his petition. Ultimately the Debate was adjourned, and he was happy to say now, upon resuming it, that they were relieved from all those technical difficulties and legal arguments which before surrounded it. The final report of the Committee having been received, recommending the appointment of a Commission to make a searching inquiry into the bribery and corruption which had prevailed at St. Albans, he thought it was now unnecessary, and would answer no good end to pursue the case further. In addition to Henry Edwards, who had been placed in custody without being heard, upon the charge of inducing witnesses to absent themselves so as to avoid giving evidence, there were four other persons against whom Mr. Speaker had issued his warrant, upon the report of the Committee that their testimony was required by the petitioners, and that they believed those persons to be absenting themselves in order to avoid being served with the summons of the Committee. As the case was now over, however, and no good end could be served by their attendance, he submitted that Mr. Speaker was using his power to no purpose, and that the warrants should be discharged. He begged to move that the warrants against George Sealey Wagget, John Hayward, John Skegg, and Thomas Burchmore be discharged, and that Henry Edwards be discharged out of custody without payment of the fees.

Mr. SPEAKER informed the hon. Member, that the original Motion and Amendment must be first disposed of before his present Motion could be made.

Mr. BANKES said, he thought the question before the House was, that Henry Edwards should be brought to the bar of the House. He had voted for that Amendment. He agreed with the hon. Member for Cockermouth, that the man had been hardly dealt with; and he would not have consented to forego the question on Friday, had he not learned that the party himself was satisfied to abide until Monday. He thought, however, the man ought then to be brought to the bar, that he might have an opportunity of affording any explanation he thought fit to the House. The question of the discharge of the warrants was, in his opinion, a much more grave subject for consideration; for, if he understood the nature of the proceedings before the Committee, their inquiry had been defeated by the acts of the persons against whom warrants had been issued. If that were the case, so far from wishing the warrants to be discharged, he would be disposed to contend that they should be strictly enforced, and that the persons against whom they were issued should be brought to the bar to explain their conduct, which had defeated the ends of justice. The effect of their delinquency was, that the borough would now be represented in Parliament by an hon. Member who had been charged with holding his seat unjustly by another person who assumed to be unjustly deprived of that seat. He could not, therefore, agree to that part of the proposition which related to the discharge of the warrants. He must say also, that, if it was usual for persons in custody under similar circumstances to pay fees, he should object to the discharge of Henry Edwards without payment of fees.

The ATTORNEY GENERAL thought there was no reason for calling Edwards to the bar of the House, unless it was intended that he should receive a reprimand from Mr. Speaker.

Mr. CHRISTOPHER inquired why, if Edwards deserved a reprimand from Mr. Speaker, the House should be asked to consent to his discharge without payment of fees?

The ATTORNEY GENERAL certainly could not concur in the proposal to relieve Edwards from payment of fees; on the contrary, he thought he ought to be required to pay them.

Mr. ROUNDELL PALMER: He was, therefore, at a loss to understand why it was proposed that this man should be discharged at all. If, upon being brought to the bar, Edwards could satisfy the House that he had not been guilty of the contempt imputed to him, or if he made such submission as satisfied the House, they might agree to his discharge; but what was the position in which they at present stood? The Committee had made two Reports to the House. They represented, in their first Report, that Edwards had given money, and had used other improper means, in contempt of the authority of the House, for the purpose of frustrating its proceedings in investigating the charges brought against the sitting Member for

St. Albans, and had prevented witnesses from being served with the warrants of that House. What greater contempts of any judicial authority could possibly be committed? But there was another Report from the Committee before the House; and that Report told them that the contempt of Edwards had been perfectly successful—that he had effected his object—and that what he was charged with having done had prevented the possibility of prosecuting the inquiry. The hands of the Committee had consequently been paralysed, and they had been obliged to report to the House, that they had been unable to go into the investigation committed to them, because Edwards and others had, in contempt of the authority of the House, prevented witnesses from coming forward. If, after receiving such a Report, they determined that the man in custody should be discharged without any punishment, or even so much as a reprimand from Mr. Speaker, the House might as well give up its jurisdiction at once. He thought it was due to the jurisdiction administered by Committees under Acts of Parliament on behalf of the House, and due also to the dignity and authority of the House itself, that Edwards should not be discharged until he had been brought to the bar, nor—if there should be ground for further inquiry—until the House had determined whether it was necessary to pursue further inquiry or not.

The SOLICITOR GENERAL concurred in the remark of the hon. and learned Member for Plymouth (Mr. Roundell Palmer) respecting the magnitude of the offence alleged to have been committed by Edwards. He thought the course taken by the House in this instance was perfectly correct, and in conformity with the precedent set by the Ipswich case. In the Ipswich case the highest authorities concurred in the view that in order to obtain necessary information from a party against whom the principal charge was that he was either absenting himself or keeping others absent, the proper course was to have him taken into the custody of the Serjeant-at-Arms, and at once brought to the bar of the House to clear himself, if he could, or at all events to explain what had taken place. If that were done, or the man otherwise committed, it would be the natural course at once to have him brought to the bar of the House; and he quite agreed that Edwards had a right to be brought to the bar; but the House would recollect that a question had been raised by the hon. Member for Cockermouth (Mr. Aglionby) tending to invalidate the whole proceedings of the Committee. When that case was raised, it was again suggested even then that Edwards might be brought to the bar before that point was determined; but the hon. Member for Cockermouth moved that the whole matter might stand over, and that the legality of the existence of the Committee should also be taken into consideration in reference to the Motion he was making. The hon. Member objected to the existence of the Committee and its competency to report, and that became the question upon which the principal part of the debate on Friday took place. Since that time they had had a Report from the Committee, which had been received and ordered to be entered on the Journals of the House. As far as the sitting Member was concerned, and the petitioner against him, he took it to be beyond all question their cases were both concluded by that Report, and that they never could again discuss the legal constitution of the Committee, or the terms of its Report; nor could there be any doubt as to the propriety of the House complying with the terms of the Act, and entering the Report on their Journals. A different question arose with reference to the individual in custody. If they decided that he should be heard at the bar, they would be obliged to hear him on the point of whether the evidence substantiated the charge, and also on the preliminary question of whether the Committee was so constituted that the report ought to have been adopted as a *primâ facie* evidence of the man's guilt. For it must be observed that the House proceeded on the Ipswich precedent, and adopted the Report of the Committee as *primâ facie* evidence of guilt. He had no doubt whatever that the man had been duly committed in point of form, in conformity with a power which the House had a right to exercise, and which, he was confident, could never be questioned elsewhere; the form of commitment was the same that had been used in the case of Stockdale *versus* Hansard, and no court could call in question the propriety of the proceeding. But although no court could look behind their order, it was quite right that those who had committed the man should look behind it, and see whether they had been just in the whole of their proceedings with reference to the existence of the Committee, because, if there were any doubt with respect to its existence, they would not have been justified in taking the report as *primâ facie* evidence. It did appear to him that, when a question of doubt arose, as in this case, they might do well in discharging this prisoner, who had been in custody for a week, upon payment of his fees. If the party had no wish to appear at the bar of the House to assert his innocence, he thought they would be perfectly justified in taking that course; but if, however, he wished so to appear, unquestionably he ought to be heard, supposing he chose to take that responsibility on himself. He would put an analogous case which occurred with respect to crime and criminals of a much more aggravated description than the present—he alluded to the Monmouth disturbances and the subsequent trials for high treason. Frost and others were then convicted of high treason in its most aggravated form. The House might remember that there could have been no question that those men would have been executed, except for a point of law of the most technical description. This was referred to the Judges, and a majority held that there was nothing in the objection; yet the consequence was that the men were transported for life, their lives being spared. If he were to ask any of the different members of the profession in that House, he thought there would be hardly any one who would not say that a grave doubt existed as to whether, when the Committee made its Report, it was at the time a valid Committee. Looking to that state of doubt, and to the further fact that there could be no beneficial effect to be arrived at in the present instance, except the punishment of the parties, he thought the House might take the middle course that was taken in the case of Frost, and consider Edwards sufficiently punished by the week's imprisonment and the payment of the heavy fees incurred.

Sir F. THESIGER thought that the House must be careful of the steps they took in this case, otherwise they would be apt to get into very great difficulty. The original question they were called upon to decide was, whether the House should discharge Edwards without payment of his fees; and on this an Amendment had been moved, that Edwards should be brought to the bar of the House. He would make this remark to the House, that Edwards had made no application at all at any time to be brought to the bar of the House, and on the occasion of the former discussion no hon. Member professed to have the authority of Edwards for pursuing that course. Now, were they prepared to discharge Edwards, and without payment of his fees? He had no doubt that hon. Members had read the evidence which implicated Edwards in the offence of having endeavoured to keep witnesses away from giving evidence upon the petition in question. He had himself read the evidence very carefully, and had no doubt whatever as to the fact of Edwards having tampered with the witnesses. He could not imagine anything much worse than the conduct of Edwards had been; and the petition he had presented to the House praying to be discharged contained only an indirect and evasive denial of the facts. The consequence of his misconduct was, that justice had been defeated, and that the object of the petition in the St. Albans case had entirely failed, the petitioner having been unable to procure the attendance of witnesses, who, they were bound to assume, from the earnest endeavour to keep them out of the way, would have given most important evidence against the sitting Member. He could not quite agree with his hon. and learned Friend the Solicitor General as to the course he had recommended, and the reasons for it. His hon. and learned Friend said, there was a legal doubt as to the existence of the Committee at the time of its reporting. If his hon. and learned Friend was correct in that view, what right had they, without further inquiry, to make Edwards pay the costs of his committal? But he thought there could be no doubt as to this part of the case. There was a conditional adjournment by the Committee—that was, an adjournment, provided the House should give leave for the Committee to adjourn to the day named, and the House did give leave. The entry was—

> "Resolved—That the Chairman, on the application of the counsel for the petitioner, should apply to the House for leave to adjourn till eleven of the clock on Thursday next, in order to allow time to procure the attendance of the witnesses. Adjourned until to-morrow at eleven, in case the House should not give the power of adjourning to Thursday."

And on the next day, the House having given the power to adjourn, the Committee adjourned to Thursday at eleven. He therefore felt convinced that the conditional adjournment was made good by the House having given the power demanded. When the parties met on the day fixed, no objection whatever was made to the legality of the Committee, and the proceedings continued. It was afterwards that the evidence was given which affected Edwards, and on the 4th of April he went to the house in Cottage-place, where Waggett lived. There could be no doubt, therefore, that the Committee had then a legal existence, and power to report. But they did not need the report of a Committee for a proceeding of this kind. If the House was informed in any other way, as by the statement of any hon. Member, that a person had been tampering with witnesses and endeavouring to obstruct justice, they would be perfectly justified in interfering and committing him to custody. There was nothing extraordinary in his having been committed without being brought to the bar. He found a case, even in the common-law courts, where a party, on affidavit, was charged with having endeavoured to keep a witness out of the way to prevent him being served with a subpœna. The Court of Common Pleas instantly issued an attachment of the party, and it was not discharged except on his agreeing to produce the witness and paying the costs of the Motion. Why should they here at once discharge Edwards, who had been guilty of this great contempt, interfering with the privileges of that House, and acknowledging the object he had in view of stifling a most important inquiry? He confessed he was not disposed at present to discharge Edwards at all. Edwards, he believed, was a professional man. [An Hon. Member: No; he is not.] He thought he had been so, and therefore could not have the excuse of ignorance. When a person, having conducted himself in this way, was triumphing in the success of his artifices, was he to be discharged without the slightest submission on his part, or the slightest acknowledgment of his offence? Until Edwards had made a proper submission, he, for his part, should unquestionably not consent to his discharge.

Sir G. GREY said, that Edwards had been committed to the custody of the Serjeant-at-Arms upon the order of the House for a specific purpose—that he might be produced to give evidence before the Committee; and he apprehended that, in conformity with the previous practice of the House, if they retained him any longer in custody, he ought to be committed to Newgate as a punishment. He (Sir G. Grey) quite agreed in the opinion of the hon. and learned Member for Abingdon (Sir F. Thesiger), in his condemnation of the conduct of Edwards. There certainly could be no sympathy for a man who had used his professional knowledge to obstruct the course of justice with regard to an inquiry instituted by that House; but as some doubts existed as to the validity of the Committee at the time they made their Report, he thought the House should be careful not to involve themselves in any difficulty. He considered that they ought not to continue Edwards longer in the custody of the Serjeant-at-Arms, the object for which he was committed to that custody having ceased to exist. He had, however, been under the impression that nearly all the legal authorities in the House had a doubt as to the legal existence of the Committee; and if such a doubt existed, the House might be unwilling to assume the guilt of Edwards on the Report of that Committee. But it appeared that the hon. and learned Gentleman the Member for Abingdon entertained no such doubt. If the hon. and learned Gentleman were correct in that view of the case, and if Edwards ought to be further punished—and he (Sir G. Grey) did not feel at all satisfied that he ought not to be—then the proper course would be to commit him to Newgate.

Mr. AGLIONBY wished to state that he had been informed Edwards was not a professional man. He was never either an attorney or an attorney's clerk. He had been a banker's clerk, and was now a farmer.

Mr. C. ANSTEY said, they had not now to consider whether they could compel Edwards to do anything to further the administration of justice, but whether he had been guilty of a high offence against the privileges of Parliament and the law of the land, and, if so, whether it was seemly that the House should dismiss him without punishment. It had been erroneously stated on a previous occasion that Edwards had not met his accusers; but it appeared from the Minutes of the Committee that he was personally confronted with two witnesses, who identified him. He wished to know from the hon. and learned Member for Midhurst (Mr. Walpole) what he proposed to do, even if Edwards should appear at the bar and say that the witnesses against him had not spoken the truth. The Motion he should make was that Edwards be brought to the bar, and confronted with the witnesses again. He entirely assented to the view of the hon.

and learned Gentleman the Member for Abingdon; and under these circumstances could vote neither for the Motion nor the Amendment.

The MASTER of the ROLLS said, he wished to state why he thought that the Motion of the hon. Member for Cockermouth (Mr. Aglionby) ought not to be acceded to, and that Edwards had not put himself in a situation to entitle him to be discharged. It was admitted that, if the evidence was to be believed, he had been guilty of a grave offence. He had presented a petition commenting upon the evidence, and seeking to show that it did not amount to proof of his being guilty of a Breach of Privilege; but he did not seek to come before the House to give explanation, but put forth a general denial of the offence. It was a rule of law that where evidence was suppressed, it must be taken to be of the very strongest description against the party withholding it, and it must be taken that Edwards was aware of that. Therefore it ought to be supposed that the evidence which had been kept out of the way was of the most vital importance to the petitioners. Now, it wss plain that Edwards could not remain where he was; he ought to be either committed to Newgate or discharged. But he (the Master of the Rolls) had never heard of any person who had been committed to the custody of the Serjeant-at-Arms or to Newgate having been discharged without that person's having presented a petition to the House expressing either his contrition for his offence, or the fact of his having committed it through ignorance. If Edwards should pursue either of these courses, he might be discharged from custody, but not without the payment of his fees, for that amounted to a declaration that he had not been properly committed. He agreed with his hon. and learned Friend the Member for Abingdon that the question of the legality or illegality of the adjournment of the Committee had no immediate connection with the point which they had then to consider. It appeared that any hon. Member of that House might upon his own responsibility state that some other person had been guilty of a Breach of their Privileges, and upon that statement the House might commit that person if they should think fit. It appeared to him that Edwards ought then to present a petition to the House, explaining his conduct, or expressing contrition for his offence, and that if he did not pursue that course, the House ought to send him to Newgate. But as the Easter holidays were at hand, and as it might be a serious disadvantage to Edwards to be compelled to remain in prison until the House should reassemble after Easter, he would suggest that they should adjourn that debate until to-morrow, and so afford an opportunity of presenting in the meantime a proper petition to the House.

Mr. J. S. WORTLEY must remind the House that this person had been committed for a gross contempt of the authority of the House; and it was said, it seemed, that he was to come forward and take an objection to some irregularity which, even if it existed, had probably been cured. The Committee represented that the investigation ought to be carried on by a Commission; and was the House to set this man at liberty, to enable him still further to defeat justice? The right course was, to send him to Newgate; and the only further question was, whether the Attorney General should be directed to prosecute him.

Mr. ROEBUCK said, all were agreed that Edwards should not be set loose. The question then was, where was he to remain that night? He should be either sent to Newgate or afforded an opportunity to free himself of the charge against him. In the meantime he (Mr. Roebuck) thought it better to have him sent to Newgate, from whence he might appeal to the House.

Lord JOHN RUSSELL considered the case a very embarrassing one. This individual (Edwards) had been, in the first instance, ordered into the custody of the Serjeant-at-Arms, but at the same time the House ordered that he should remain in the custody of the Serjeant-at-Arms, and that he should be brought by him before the Committee to be by them examined. Well, the Committee had ceased its functions, and the question now was, what should be done with Edwards? In the custody of the Serjeant-at-Arms he could not remain; because, the Committee being dissolved, the purpose for which he had been consigned to the custody of the Serjeant-at-Arms had ceased. Therefore, they must either commit him to Newgate or discharge him. In his (Lord J. Russell's) opinion it was desirable to adopt the course suggested by the Master of the Rolls, namely, not to decide the question now, but adjourn it till to-morrow. If to-morrow there should appear no reason for assenting to his discharge — in the event of his not coming forward, or coming forward and failing to prove his innocence—then he should be either sent to Newgate, or ordered to be prosecuted. It was desirable that that House should vindicate the authority of its proceedings—and therefore fully agreeing in the suggestion of the Master of the Rolls, he moved the adjournment of the debate till To-morrow.

Motion made, and Question put, "That the debate be now adjourned."

Mr. HUME thought it mere trifling with the House to think of adopting any one of these courses. If ever an individual deserved the censure of the House, as also the punishment, it was Edwards. By his conduct the means and objects of justice had been frustrated. The Committee had done their best to investigate the matter submitted to them; but all the means of arriving at a just or satisfactory conclusion had been removed by Edwards. Under such circumstances he never recollected an individual being discharged without at least presenting a petition. In his opinion they ought to send Edwards to Newgate until he should have presented a proper petition to the House. Therefore, at present, they were only losing time. The matter had been already three times before the House, and if then adjourned, to-morrow would be the fourth time.

Sir R. H. INGLIS thought it would be an anomaly to adopt the course of hearing Edwards at the bar, and receiving his unsworn assertions in opposition to the Report of a Committee of five sworn Members of that House, as also of the witnesses examined upon oath before them. If Edwards were to express his contrition the House might extend to him its mercy; but without such an expression of contrition, he (Sir R. H. Inglis) would not be disposed to allow him to be discharged.

Sir J. GRAHAM wished to ask this question, was Edwards committed for contempt, or for further examination? It appeared he was originally committed with a view to examination by the Committee; but if committed for contempt, he had done nothing to purge himself of it. He (Sir J. Graham) did not understand that any member of the Committee, indeed he might include the hon. Member for Cockermouth, was prepared to say that he disbelieved the report of the Committee, and believed the qualified denial of Edwards. If such were the state and merits of the case, the point raised by hon. Gentlemen on the other side was in the highest degree technical. The hon. and learned Member for Abingdon (Sir F. Thesiger) doubted very much if there was anything informal in the proceedings of the Committee previous to the adjournment; and, therefore, he (Sir J. Graham) spoke with great deference, after such high legal authority. But, if he was not much mistaken, there was no court in Westminster that would allow a party committed on a contempt, to plead informality in mitigation of his punishment. He did not think that this person was in a position to ask for any lenity from that House. He was therefore of opinion, that both the Motion and Amendment ought to be withdrawn, and that Edwards ought at all events for that night to be committed to Newgate. Let him to-morrow, before the House adjourned, present a petition to the House; and if couched in proper terms, he had no doubt it would be attended to by the House.

Mr. AGLIONBY said, that the facts had not been proved against Edwards, as they should have been, previous to his committal. No tribunal in England would commit a man to Newgate without giving him an opportunity of defending himself from the charge made against him; and he thought that the House should not call upon a man to express contrition for an offence, the commission of which he denied. He thought that Edwards had in his petition clearly expressed his desire to be heard at the bar of the House, for he said therein that he "has never to his knowledge committed a Breach of the Privileges of the House of Commons, he submits to the justice of your hon. House that he should not be condemned unheard, or punished by imprisonment without having an opportunity of defence." It was for the House to say if they wanted any more formal expression of Edwards' desire to be heard. He (Mr. Aglionby) had communicated with the gentleman who placed Edwards' petition in his hand; had asked him whether Edwards wished to be heard at the bar; and had been told in reply that Edwards expected to be discharged on the technical point without being called to the bar; but that if he was not so discharged, he desired and was ready, at any time, to be called to the bar, and asked any question that the House might think proper. Even if the House thought that they should have a more formal petition from Edwards, he (Mr. Aglionby) thought that the House would hardly, in the meantime, send him to Newgate for that night, when he (Mr. Aglionby) told them that Edwards desired to be heard at the bar.

Mr. BAILLIE said, that Edwards had been committed to custody for contempt of the House upon a Report of the Committee, and he thought that the House must accept the contempt as proved by that Report. They could have no other evidence; for it was preposterous to think that they could have a trial at the bar of the House, and waste days in investigating the matter. If Edwards expressed contrition, it would be a different thing, the House might then extend its lenity to him.

The ATTORNEY GENERAL thought that the House ought not to commit Edwards to Newgate upon *ex parte* evidence taken before the Committee, or at all events without his being present, or having an opportunity afforded him of cross-examining the witnesses. This man had presented a petition praying to be heard at the bar. [An Hon. Member: No, no!] He understood that he had, but he certainly thought that it would be hard that he should be sent to Newgate without being heard. A Motion was made the other day by the hon. and learned Member for Midhurst (Mr. Walpole) that Edwards should be called to the bar, and the responsibility of that Motion having been defeated rested with the hon. Member for Cockermouth (Mr. Aglionby), who had then said that he did not desire that Edwards should be heard at the bar. This matter had, in fact, been delayed so long by various means, that Edwards' petition was placed in rather an unfavourable position, and he thought, therefore, that if Edwards desired to be heard at the bar, he should not be sent to Newgate; if he did not desire to be heard, or, if being heard, he had nothing to allege in controversion of the facts stated by the Committee, no one who had made himself acquainted with the Report or the evidence upon which it was founded could doubt that there had been a gross violation of the Privileges of the House; and if Edwards did not purge himself of the contempt, or submit himself with that contrition which the House thought fit, he ought assuredly to be sent to Newgate.

Sir F. THESIGER said, that if they followed the suggestion of the hon. and learned Attorney General, they must not only hear Edwards' own statement in contradiction to the witnesses examined by the Committee, but they must also hear witnesses on both sides (who were not under the sanction of an oath), and try the whole question afresh at the bar. There was no precedent that he was aware of for calling a person who had been charged with contempt, or Breach of Privilege, to the bar of the House, and there trying whether he was guilty of the offence or not. If Edwards had any ground for alleging that he had not been guilty of a Breach of Privilege, he should have asked the Committee to investigate the matter; and the House were bound to assume that the Committee had taken the best means to ascertain whether he had been guilty of a Breach of Privilege before they reported to the House. They were bound to believe that the Committee had fully investigated the matter, and were satisfied that Edwards was guilty of a Breach of Privilege, and therefore this was not to be taken as a mere *ex parte* statement. Although there was a *primâ facie* appearance of hardship in committing him to Newgate, he maintained that Edwards had brought himself by his own fault into his present position; and under these circumstances he was most unquestionably not disposed to accede to the delay proposed by the noble Lord (Lord John Russell), because he did not think that Edwards had placed himself in a position to ask the indulgence of the House. He had not presented a petition asking for investigation or making his submission for his offence, and he therefore thought they should dispose of both the Amendment and the original Motion, and leave Edwards to bring himself again before the House by a proper petition.

The SOLICITOR GENERAL said, that after carefully examining the precedents, he thought that, if the House committed a party to Newgate without hearing him, they would be taking a course which had never been pursued before, and one indeed which was contrary to the course pursued on previous occasions. He had not yet heard any suggestion made for allowing Edwards to enter into evidence at the bar of the House; all that was asked was, that he should be asked what he had to say to the Report of the Committee. In the Dunfermline case in 1803, a person named Trotter was reported to the House to have absconded, in order to avoid giving evidence, and on that report he was committed to the custody of the Serjeant-at-Arms. When that officer reported that he was in custody, Trotter was brought to the bar of the House, the Report of the Committee was read to him, and he was asked what he had to say with respect to it. He was then ordered to retire; the House took the Minutes of the evidence adduced before the Committee into their consideration. It was moved that the House do agree with the Report of the Committee, and, upon that Motion being carried, Trotter was committed to Newgate. The next precedent, the Grantham case, in 1820, the parties were merely summoned to the bar (not in custody); the Report of the Committee was read to them; they were asked what they had to say to it, and, after they had been heard and had retired, a Motion was made and carried for their commitment to Newgate. In the Ipswich case, in 1835, the parties on the Report of the Committee were committed to custody, presented petitions confessing their delinquency, and of course they were not brought to the bar of the House, but were forthwith committed to Newgate. Now, in this case, the party, so far from confessing his delinquency, asserted that he was entirely guiltless of the charge; and although the House could not allow him to produce witnesses, nor could they enter into an investigation of the matter, he ought not to be placed in a worse position than Trotter, or the witnesses in the Grantham case. Was it just that he should be placed in a worse position than were the parties in the cases he had cited, and that he should be sent to Newgate without giving him an opportunity of being heard by himself or counsel? The question then was whether the House was prepared to make a new precedent by sending a man to Newgate without affording an opportunity of hearing what he had to say? His (the Solicitor General's) opinion was, that he ought to be brought to the bar and asked what he had to say to the Report of the Committee, before he was committed to Newgate. He ought to have an opportunity either of defending himself, or of confessing his guilt, and asking the mercy of the House.

Mr. J. S. WORTLEY said, that Edwards had been daily in attendance before the Committee, and he should there have asked to be heard. The Committee had investigated the matter, and had reported to the House evidence which left not a shadow of a doubt upon the matter.

Mr. VERNON SMITH would remind the House that the question before them was one involving the liberty of a British subject, whose case was brought before the House without his having had an opportunity of being heard in his defence. It was true that evidence had been given against him by two women, but he was brought before the Committee merely to be identified by those witnesses; the Committee asked him no questions, and, as he had had no hearing, he now asked to be heard by the House. He (Mr. V. Smith) did not wish to see these committals for contempt and Breach of Privilege carried to any extravagant extent, and he therefore thought it was due to the dignity of the House that they should not proceed hurriedly in this matter, but should give Edwards an opportunity of being heard, as the hon. Member for Cockermouth (Mr. Aglionby) stated that he knew he desired it. The House had assuredly the power of committing to Newgate, but he still thought this power ought not to be carried to a tyrannical or arbitrary extent. He, therefore, considered that the party should get the chance of purging himself of the contempt by giving him an opportunity of presenting a new petition.

Mr. ROUNDELL PALMER would not be a party to letting Edwards go without the House marking, in a proper manner, the sense which they entertained of his guilt; but he thought that they might, without any risk of compromising its dignity or privileges, accede to the course proposed by the hon. and learned Solicitor General. That was to say, that if, on the following day, Edwards should not have presented a petition, either making his submission to the House, or varying the statement which was now before the House, he should be brought to the bar: that, in accordance with the precedents, the Report of the Committee should be read to him; and that he should then be asked what he had to say to it. Under the circumstances he (Mr. R. Palmer) should then vote for that course which he had indicated, and which, in his opinion, would best vindicate the dignity of the House.

Question put, "That the Debate be now adjourned."

The House divided:—Ayes 108; Noes 87: Majority 21.

List of the Ayes.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Bankes, G.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bellew, R. M.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Boyle, hon. Col.
Bramston, T. W.
Brisco, M.

Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, W.
Campbell, hon. W. F.
Cavendish, hon. G. H.
Clay, Sir W.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Denison, J. E.
Duncan, Visct.
Duncan, G.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellis, J.
Evans, Sir De L.
Foley, J. H. H.
Freestun, Col.
French, F.
Glyn, G. C.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Heneage, G. H. W.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Humphery, Ald.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Gregor, J.
Mangles, R. D.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Moffatt, G.
Mowatt, F.
O'Connor, F.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord C.
Parker, J.
Pechell, Sir G. B.
Pilkington, J.
Pinney, W.
Prime, R.
Pusey, P.
Rawdon, Col.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Salwey, Col.
Scholefield, W.
Seymour, Lord
Sheridan, R. B.
Sidney, Ald.
Smith, rt. hon. R. V.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Tufnell, rt. hon. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Wigram, L. T.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Howard, Lord E.

List of the Noes.

Adderley, C. B.
Anstey, T. C.
Baillie, H. J.
Berkeley, hon. H. F.
Blandford, Marq. of
Booker, T. W.
Brown, H.
Cardwell, E.
Carew, W. H. P.
Charteris, hon. F.
Chatterton, Col.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Colebrooke, Sir T. E.
Coles, H. B.
Cubitt, W.
Currie, H.
Currie, R.
Deedes, W.
Denison, E.
Disraeli, B.
Douglas, Sir C. E.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Dunne, Col.
Du Pre, C. G.
Ellice, rt. hon. E.
Estcourt, J. B. B.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greene, T.
Halford, Sir H.
Halsey, T. P.
Henley, J. W.
Herbert, rt. hon. S.
Hogg, Sir J. W.
Hotham, Lord
Hume, J.
Inglis, Sir R. H.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Knox, Col.
Lacy, H. C.
Lawley, hon. B. R.
Lockhart, A. E.
M'Neill, D.
Mahon, Visct.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Mullings, J. R.
Mundy, W.
Newport, Visct.
O'Connell, M. J.
Packe, C. W.
Patten, J. W.
Plowden, W. H. C.
Richards, R.
Roebuck, J. A.
Sandars, G.
Sandars, J.
Seymer, H. K.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Staunton, Sir G. T.
Sutton, J. H. M.
Tenison, E. K.
Tollemache, hon. F. J.
Tollemache, J.
Tyler, Sir G.
Vane, Lord H.
Verner, Sir W.
Wortley, rt. hon. J. S.

TELLERS.

Thesiger, Sir F.
Palmer, R.

Debate *further adjourned* till To-morrow at Five o'clock.

ASSESSED TAXES ACT.

House in Committee.

The CHANCELLOR of the EXCHEQUER said, he would now, with the permission of the Committee, propose the following Resolution:—

"That the Duties granted by the Act 48 Geo. 3, c. 55, and now payable in England, Wales, and Berwick-upon-Tweed, and in Scotland, respectively, upon Dwelling Houses, and levied and assessed according to the number of Windows or Lights therein, as set forth in the Schedule marked (A) to the said Act annexed, shall be levied and assessed upon Inhabited Dwelling Houses in and throughout Great Britain, according to the annual value thereof, in the manner following: that is to say—

"For every Inhabited Dwelling House, which, with the household and other offices, yards, and gardens therewith occupied and charged, is or shall be worth the rent of twenty pounds or upwards by the year;

"Where any such Dwelling House shall be occupied by any person in trade, who shall expose to sale, and sell any goods, wares, or merchandise in any shop or warehouse, being part of the same Dwelling House, and in the front, and on the ground or basement story thereof;

"And also, where any such Dwelling House shall be occupied by any person who shall be duly licensed by the laws in force to sell therein, by retail, beer, ale, wine, or other liquors, although the room or rooms thereof, in which any such liquors shall be exposed to sale, sold, drunk, or consumed, shall not be such shop or warehouse as aforesaid;

"And also, where any such Dwelling House shall be a farm house, occupied by a tenant, and *bonâ fide* used for the purposes of husbandry only—

"There shall be charged for every twenty shillings of the annual value of any such Dwelling House, the sum of Sixpence.

"And where any such Dwelling House shall not be occupied and used for any such purpose and in manner aforesaid, there shall be charged for every twenty shillings of the annual value thereof, the sum of Ninepence."

SIR H. WILLOUGHBY moved that from the passage describing the property on which this tax was to be charged, the words "and gardens" should be omitted. The present proposition was to commute into a house tax such portion of the window tax as was not to be entirely repealed. He contended that it would not be fair to cast any portion of the new tax on property which was not previously subject to window tax. Now the window duty imposed under the 48th George III. fell exclusively on houses and offices. The house duty, which was repealed in 1834, attached itself to houses, offices, and lands. In the schedule "land" was explained to signify "gardens." Now he contended that no portion of the present house tax should be put upon gardens, which had never paid window duty. If the House did so, they, in fact, placed an income tax on gardens. If there was a house and garden, each being worth 10*l.* a year (or 20*l.* in all), they would be liable to the house duty. Now, no window duty could have fallen upon the garden, and, therefore, in pretending to relieve parties from the window tax, they were in effect about to impose a new tax upon them. If there was a class upon whom he believed that the House would not wish to impose a new tax, it was the owners of market gardens. It appeared to him, therefore, that the present proposition would impose a new and an unjust burden on a species of property which was not previously subject to the window tax; and unless he heard some sufficient reason from the right hon. Gentleman the Chancellor of the Exchequer for this course, he should divide the Committee on his Amendment.

SIR G. PECHELL, in seconding the Motion, said, that he disapproved of the principle of a house tax as a substitute for a window tax. When the hon. Member for Buckinghamshire drew the attention of the House a few nights previously to the agitation upon this subject which had prevailed in the metropolitan districts, he might have added that there were a great many other places which sympathised in that movement. They disapproved of the principle of a house tax; after agitating for so many years with his noble Friend (Viscount Duncan) to get rid of the window tax, and having succeeded in that, they did not contemplate a substitute for that odious impost. Those hon. Members with whom he had the honour to sit were resolved to stick to their guns to the last in resisting the house tax, because they apprehended that it would be the nucleus of further taxation. What guarantee had they that if they now assented to a sixpenny or ninepenny tax, they might not hereafter be called upon to impose a tax of 1*s.* 6*d.* or 2*s.*

The CHANCELLOR OF THE EXCHEQUER said, the hon. Baronet (Sir H. Willoughby) was quite right in saying that he had adopted the words of the old House-tax Act; and the same reason which led to the insertion of the word "garden" in that case, had led him (the Chancellor of the Exchequer) now to adopt it. In many cases it was impossible to distinguish between houses in the country and houses with a certain quantity of garden adjacent and appurtenant to the house. He entirely admitted the force of the hon. Baronet's observation, with respect to market gardens, and would take care to obviate the difficulty by the introduction into the Act of words specially exempting from the tax persons who obtained a livelihood by the produce of their gardens. More than this, however, he could not undertake to do. He could not consent to separate country houses from the pleasure grounds and gardens immediately appertaining to them, for if he were to do so, the productiveness of the tax would be injuriously interfered with. He almost doubted the possibility of letting a house in the country without some extent of ground adjacent or appurtenant to it; and the effect of allowing an exception in cases in which the house was let for 18*l.*, and the approach to it for 6*l.*, would be that the tax would fail to produce anything. He admitted that sometimes gardens might be so very extensive (perhaps eleven or twelve acres), that it would be unjust to identify them with the house, as making but one concern; but such cases had been specially provided for by the Window Tax Act, 48 Geo. III., cap. 55, which limited to one acre the extent of the garden, which was to be valued with the house. He had taken the assessment under the property tax, and, with that basis, the house tax would produce only 720,000*l.*, and he hoped the House would not, by introducing exemptions, which formed one of the worst features of any tax, allow the probable amount of the proposed tax to be frittered away. That was a very fair limit with respect to a country house; and, unless there was some reason for deviation, it would be convenient to adhere to words which were well known, and with respect to which the Judges had pronounced decisions. He would, in a future stage of the Bill, introduce words which would exempt market gardens.

Mr. HUME said, he knew many instances in which the house was let to one person, and the garden to another.

The CHANCELLOR of the EXCHEQUER said, in such cases the garden would not be assessed.

Mr. HUME must confess that the limitation, with respect to the size of the garden, did away with much of the objection which might otherwise be heard against the Resolution, in its present shape. He was one of those who thought there was no necessity whatever for a house tax as a substitute for the window tax. He was not, however, opposed to a house tax as a measure of direct taxation; on the contrary, he thought it possessed many advantages, not the least important of which was, that it afforded an excellent criterion for the extension of the suffrage. He would much rather have seen the window tax repealed unconditionally, and in the case of deficiency a house tax imposed. With regard to the income tax, he would cheerfully vote for its imposition upon a fair principle, in order that other taxes might be removed which pressed injuriously on the industry of the country. He considered it was inexpedient to continue the taxes on soap, paper, and hops, in order to pay off the national debt. We were not obliged to liquidate the debt by the imposition of taxes, although we were compelled to pay the interest. They were now actually laying on a house tax for the purpose of paying off a portion of the national debt, because it appeared that, including the last sum of 640,000*l.* laid out in the purchase of stock, no less than 2,300,000*l.* of debt had been paid off within the last year or so. He admitted that a house tax would be a very good tax *per se* if there was any necessity for raising money, which he denied. He must complain that from the mode in which the question was brought forward, they were prevented from taking a division upon the question, because the Chancellor of the Exchequer had ingeniously proposed to substitute a house tax levied upon value for what he called a house tax previously levied upon windows. He objected to fresh taxes being laid on in order to carry out the financial schemes of the right hon. Gentleman. He was prepared, if the proposition was brought fairly before the House, to vote for a gradual extinction of the national debt; but he was not prepared to impose burdens which would press severely upon the springs of industry when there was no necessity for such a tax. He entered his protest against the arrangement for exempting houses under the value of 20*l.* per annum, while houses in boroughs of the value of 10*l.* were entitled to a vote.

Sir W. JOLLIFFE said, it appeared to him that they were now imposing taxes on property which hitherto had not been subject to taxation. A great number of houses would be subject to this tax that were not subject to the window tax; and with respect to the introduction of gardens of an acre in extent, it should be recollected that near a town an acre was a large extent of ground. Then, with regard to farmhouses, there were many farmhouses where the rent was not 200*l.* a year, and therefore they could not be charged with the window tax; but the house and garden and offices would be of the value of 20*l.* a year, and, consequently a fresh tax would be levied on the tenant-farmer. He must deprecate the intention of placing the tax upon a new description of property, and protest strongly against it as unjust and deceptive.

Mr. W. WILLIAMS said, he was of opinion that the scheme of a house tax was just as objectionable in principle as the window tax. The house tax was to be imposed on 400,000 houses, out of 3,500,000, but of that 400,000, two-thirds were situate in the metropolis, and consequently the tax was to be regarded as a metropolitan tax. He looked upon the tax as unjust in principle, because houses would then be subject to two taxes: the income tax, paid by the landlord, and the house tax, paid by the tenant; no other property being liable to double taxation. He had reason to know that in some neighbourhoods entire streets of houses had been built so as to be exempt from window tax: all this description of property would now be liable to an entirely new tax. He agreed with the hon. Member for Montrose, that there was no necessity for the imposition of a house tax. Why had not the Chancellor of the Exchequer charged real property with the payment of legacy duty, and thus raised a revenue which would have enabled him to abolish the window duty without inflicting a substitute? The operation of the existing law was most unjust, and he feared that the house tax would be liable to the same objections. According to the present system, the tradesman's house at the West-end contributed a larger sum to the revenue than the mansion of the nobleman. He himself knew of a case where one of the largest mansions in the metropolis was rated to the income tax at a few pounds more than the tradesman's house next door, with only a frontage of two windows.

Viscount DUNCAN thought the House was indebted to the hon. Member for Evesham for raising this question with reference to gardens, and also to the right hon. Gentleman the Chancellor of the Exchequer for the satisfactory explanation he had made. As he understood the right hon. Gentleman, no piece of ground attached to a house would be included in the value if it exceeded one acre in extent. To that arrangement he could see no objection. He was not one who was anxious to raise up unreasonable objections to a proposal of this kind. He would delay stating more fully his opinions of a house tax till the hon. Member for Marylebone brought forward his Motion; but in the meantime he would repeat that, taking the tax as a whole, he could not help thinking that the plan now introduced by the Chancellor of the Exchequer was a great improvement on that which he originally laid before the House.

Mr. WAKLEY took leave to assure the Chancellor of the Exchequer, that the only way in which he could give unqualified satisfaction on a subject of this sort was to repeal the tax altogether. No middle course would have the effect of pleasing everybody. He thanked the Government for the unqualified repeal of the window tax, for such he regarded it to be, and complimented them upon the gracious manner in which they had made a concession to a great and popular demand. The hon. Member for Evesham had, he thought, with great propriety, objected to gardens being included in the assessments; but the Chancellor of the Exchequer had defended himself by an appeal to precedent. It was curious to observe, that whenever a precedent was referred to in that House, it was invariably a bad one. The Chancellor of the Exchequer had referred to the precedent established by the Act of George III., but a worse precedent could not have been found. The hon. Member for Montrose had expressed his approval of the Government scheme, the hon. Member for Lambeth (Mr. W. Williams)—another great Cocker in his way—was satisfied with it; and the noble Lord the Member for Bath (Viscount Duncan) had declared himself delighted with it. But to his (Mr. Wakley's) mind, the proposition was one of the most unjust and oppressive that ever was sanctioned by an unjust Act of Parliament. It was proposed that every person who had a garden of a quarter of an acre, half an acre, or any quantity under one acre, was to have the value added to the assessment of his house; surely nothing could be more unfair than this, when it was borne in mind that the nobleman who had an hundred acres of pleasure-ground round his mansion was not to be assessed for it. Was it possible that the Committee could sanction so monstrous a piece of injustice as this? If they were to have a house tax, let them have it; but gardens and pleasure-grounds ought to be exempt.

Mr. HENLEY considered it would have been better to have deferred the discussion until the Committee was in possession of the Bill which the Chancellor of the Exchequer intended to introduce, more especially as the right hon. Gentleman had promised to introduce words that would exempt market gardens from taxation. The amount in dispute, if gardens were included, would be very small, and he was not disposed to think that injustice would be done by including them.

Mr. ELLIS did not believe that the scheme of the Chancellor of the Exchequer, when reduced to operation, would be attended with hardship. It appeared to him that the burden of the tax would fall, not upon small owners and occupiers, but upon those who paid large rents. He had visited his constituents twice since the Chancellor of the Exchequer's amended Budget had been before the country, and not one of them had objected to it. The former Budget was one of the clumsiest and worst-digested devices which had ever been concocted; but the amended one was far less objectionable, and was, he thought, rendered necessary in consequence of no reductions having been made in the Army and Navy Estimates.

Viscount DUNCAN understood the Chancellor of the Exchequer to have stated that 400,000 houses would in future be chargeable with the house tax, out of the 500,000 which had paid the window duty. He wished to know whether the Chancellor of the Exchequer could state how many of the 400,000 houses had gardens attached?

The CHANCELLOR OF THE EXCHEQUER was unable to answer the question. His calculation had been based upon the property tax assessment, where houses and gardens were assessed together.

MR. ALDERMAN SIDNEY thought a house tax was a very fair mode of raising revenue, but objected to the proposed distribution of that under discussion. The Committee had had several instances brought under their notice of the very partial manner in which this tax would operate. The hon. Member for Finsbury (Mr. Wakley) had shown that a nobleman with a hundred acres laid out in parks and gardens would come off extremely easy if he were only charged to the house tax in respect of his splendid mansion. The tax would also fall with unjust pressure on the larger and better class of houses in towns, as compared with smaller but still respectable houses. There was no reason why this tax should now be reimposed in a partial form. He was quite satisfied that the Chancellor of the Exchequer had greatly underrated the produce of this tax. The right hon. Gentleman had stated that only 400,000 houses of the value of 20*l.* would bear the tax. He (Mr. Alderman Sidney) found by a recent return presented to the House that there were at least 486,000 houses paying a rental of 20*l.* in this country. Independently of that, he believed the right hon. Gentleman had stated that there would be some 20,000 or 30,000 houses, not now chargeable to the window duty, which would be liable to be assessed to the house tax. But he (Mr. Alderman Sidney) could not see why that partial legislation of excusing houses below 20*l.* should be adopted. He knew there were a great number of persons who, having retired from business, lived on their means in the country in respectable houses of less value than 20*l.*, and kept their pony chaise, but paid no duty for it; and he did not know any reason why that class of persons were to be exempted from the proposed house tax. But the tax would fall also with very undue pressure on the class of shopkeepers. If the Chancellor of the Exchequer would take the principal thoroughfares in the metropolis, he would go along whole streets, not one of the houses in which would be of less value than 100*l.* a year. If those houses were not let as shops, the value of them as dwelling houses would not be more than from 30*l.* to 50*l.* Would, then, the Chancellor of the Exchequer not make this tax more tolerable by making it more equitable in its pressure? He was sure that when the owners of house property in towns came to be fully aware that they would be made to bear the chief burdens of this house tax under its present distribution, the same objections would prove fatal to this new and modified tax, as tended to put an end to the old house tax. To his knowledge, houses occupied by noblemen when the old house tax was in existence, paid far less than the dwelling-houses of ordinary shopkeepers; and seeing that shopkeepers were compelled, in a manner, to occupy the same premises in which they carried on their business, he would ask the right hon. Gentleman whether it was fair or equitable in him to exonerate warehouses, manufactories, and banking houses, in which the more lucrative businesses were pursued, and to charge the proposed house tax on the value of the shop and premises which a shopkeeper occupied? He would also ask the right hon. Gentleman whether it was worth while to press a tax on the Committee so partial in its operation, and which, if persisted in, would become extremely unpopular with the class of the community engaged in shopkeeping? He trusted that some method would be devised by which the difficulties he had referred to would be overcome.

SIR H. WILLOUGHBY said, he should not press his Amendment.

MR. PACKE said, he had intended to move as an Amendment to the Resolution, that the words "ten pounds" be substituted for "twenty pounds," as the value below which houses were not to be chargeable to the proposed house tax; but since the hon. Member for Marylebone (Sir B. Hall) had intimated his intention to postpone his Motion for the unconditional repeal of the window tax until the Bill for imposing a house tax was before the House, he (Mr. Packe) should defer his Amendment until the House went into Committee on the Bill.

MR. MACGREGOR had no objection to a house tax, but he should like to see it so distributed as to enable hon. Members to modify the income tax as it was now levied, and to do away with the inquisitorial nature of that tax. He knew, however, the Chancellor of the Exchequer must do the best he could under the exigencies of the times, and not always what he wished to do. The right hon. Gentleman could not have taken any other course, unless he had greatly reduced the expenditure of the country. He (Mr. MacGregor) could not believe this would be a permanent measure. Whatever the House did in the way of taxation, then, would be of a transient character; they would, ere long, be called on by the country to revise the whole system of taxation, and if he did not feel certain that that would be the case, he would not consent to support the house tax on the present occasion.

Sir B. HALL wished to state exactly to the Committee the course he intended to take with regard to the house tax. His right hon Friend the Chancellor of the Exchequer had told him candidly that if he (Sir B. Hall) succeeded in carrying his Motion for the non-imposition of a house tax, he (the Chancellor of the Exchequer) would withdraw his proposal for repealing the window tax; or, in other words, that he would have either the window tax or a house tax. Under these circumstances he (Mr. B. Hall) had no other alternative but to withdraw his Motion. But he would as frankly tell his right hon. Friend, that when he found the repeal of the window tax was carried, he (Sir B. Hall) would, if not in the present Session, at some future time, bring on a Motion for the repeal of the house tax.

The CHANCELLOR of the EXCHEQUER would do the hon. Baronet the justice to say that he had been candid in his declaration; but he (the Chancellor of the Exchequer) must remind the Committee that when he proposed to repeal the window tax altogether, he had stated that it was absolutely necessary to propose a substitute for at least a portion of that tax. When his hon. Friend talked about bringing on a Motion for the repeal of the house tax, should that tax be adopted, he (the Chancellor of the Exchequer) might state his belief that there were other taxes which it would be more desirable to repeal than the contemplated house tax.

Sir De LACY EVANS felt, with his hon. Friend the Member for Marylebone (Sir B. Hall), that he was placed in a dilemma in having to choose between the window tax and a house tax. He certainly must abide by the alternative of a house tax, though at the same time he protested against it on its own merits. He felt it necessary, therefore, to forego his opposition to a house tax at present; but whenever a Motion for its repeal should be brought forward by his hon. Friend (Sir B. Hall), or any other Member, he should certainly support it.

Viscount DUNCAN thought his hon. Friend (Sir. B. Hall) had exercised a wise discretion, under the circumstances, in postponing his opposition to the house tax.

Mr. HUME said, the Chancellor of the Exchequer had stated that if the house tax was carried, the loss to the revenue by the substitution of a house tax for the window tax would only be 1,100,000*l.* He was of opinion that a portion of the surplus revenue might be applied with much more benefit to the country in the reduction of the duties on hops, stamps, advertisements, paper, and soap, than in the foolish attempt to reduce the national debt.

Sir G. PECHELL wished to enter his protest against the imposition of a house tax. He would remind the Committee that in Lord Althorp's time it was always understood that the principal reasons for repealing the house tax were the difficulties experienced in collecting it, and the partial manner in which it was imposed. On getting rid of the window tax he thought the country would only have the parish officers to contend with, but, instead of that, the Chancellor of the Exchequer interposed his house tax.

Mr. MOWATT said, he had been associated with the hon. Member for Marylebone (Sir B. Hall) in endeavouring to produce the unconditional repeal of the window tax. He did so in the full conviction that the expenditure of the country must be reduced. He sought to obtain the repeal of the window tax under the impression that the Government, in giving up that tax, would not feel themselves called on to provide for a smaller sum of money by way of substitute. It being decided otherwise, he (Mr. Mowatt), for one, had no objection whatever to raise by the proposed house tax some portion of the money lost to the revenue by the relinquishment of the window tax. On the contrary, he preferred a house tax to every other description of tax. No doubt houses were already chargeable with property tax, but, notwithstanding that, he had no hesitation in declaring his most hearty concurrence in the principle there laid down of direct taxation so far as it went. He concurred with the hon. Member for Leominster (Mr. F. Peel), who said, in the speech he addressed to the House a few nights ago, that taxation was not to be measured by the amount paid into the Exchequer, but by the injuries which it inflicted on the industrial pursuits and the commerce of the country. He (Mr. Mowatt), for one, regretted that this measure was far from being an extension of that admirable system first introduced by the immortal financier, Sir Robert Peel. The House had retrograded, for instead of raising 1,800,000*l.* by direct taxation, they now proposed to raise only 700,000*l.*, thereby going back to the extent of 1,100,000*l.* While he objected to the house tax altogether as unnecessary on the grounds he had stated, still, if they were to have it, he thought it should be more generally applied. He did not see why a man occupying a house of 10*l.* a year should not contribute his quota towards the house tax. Every person knew that in many parts of the country people who occupied houses of 10*l.* or 18*l.* a-year were perfectly competent to contribute to a tax of that description.

Mr. HEYWORTH was of opinion that if a house tax were not imposed, the Chancellor of the Exchequer would not be able to reduce the duties on coffee and timber. He complimented the right hon. Gentleman on the course he had taken. There was no tax whatever levied on a large class of the community but was very soon shared by the rest of the community; and so it would be with the house tax. Justice would never be done to the labouring men of this country so long as heavy duties were imposed on the articles which they consumed; and to make this a wealthy nation, all its Customs and Excise duties should be abolished.

Mr. MOFFATT proposed, as an Amendment, to insert the words "manufacturer or" after the word "shall" in the Resolution, the effect of which would be to exempt places in which manufactures were carried on from the operation of the tax.

The CHANCELLOR of the EXCHEQUER said, he did not see why an old woman engaged in knitting a pair of stockings, or in making matches, should not be exempted under the proposition of his hon. Friend (Mr. Moffatt). He (the Chancellor of the Exchequer) extended the exemption from the tax to all houses which were at present entitled to exemption from the window tax in respect of a shop window; but if he adopted the suggestion of his hon. Friend, he might as well give up the tax altogether.

Mr. SPOONER said, he believed, at present, windows of manufactories were totally exempted from window duty, but it very often happened that there was a dwelling-house connected with those manufactories, forming one building, and that the assessment was made on the whole premises.

The CHANCELLOR of the EXCHEQUER said, if a shop or warehouse was attached to a dwelling-house, and formed part thereof, it was liable; but if it was detached, it was not. If the warehouse was part of the house, or not separate from the dwelling-house, it would be calculated in the value. If, on the contrary, it was separated, it would not be calculated in the value.

Sir J. DUKE said, the result would be that many houses which had been partly exempted from the window duty would pay the house tax; and he thought no one was to pay the latter who did not pay the former.

The CHANCELLOR of the EXCHEQUER declared he had explained, on the contrary, that many persons would pay who did not pay now, or would pay more than they paid at present.

Viscount DUNCAN said, that at present, although the occupier of a house with a shop or warehouse did not pay the window tax for the shop or warehouse windows, he did pay for all the other windows in the house.

Mr. MOFFATT said, he would not press his Amendment, but he hoped the Chancellor of the Exchequer would consider the matter.

Mr. HUME hoped that the payment of the house tax was not to be made a condition of the franchise.

The CHANCELLOR of the EXCHEQUER: I thought my hon. Friend was anxious that the house tax and the elective franchise should go together.

Mr. HUME: I am perfectly content, provided you give the franchise to every householder.

Mr. Alderman SIDNEY thought boarding houses and houses occupied as schools should be exempt from the tax.

The CHANCELLOR of the EXCHEQUER replied, that the same exemptions which existed in former Acts would be continued. Boarding houses would be charged to the full amount, unless licensed as victualling houses.

Mr. SCHOLEFIELD: But with regard to those large old-fashioned houses which are occupied as schools, I think they have a peculiar claim for exemption.

The CHANCELLOR of the EXCHE-

QUER: I have applications for exemption from the proprietors of every class of houses, all urged on peculiar grounds. But with regard to the large old-fashioned houses alluded to, I believe they will be at least as much benefited by the alteration as any other, and of course those occupied as schools will come in for their full share of the advantage.

MR. MOFFATT wished to know whether there would be any distinction made between occupiers and those small owners in the country who occupied their own holdings, but who were often in great distress.

MR. AGLIONBY could state that in many cases owners of the class referred to were under mortgages to the full value of their property, and were in far worse circumstances than an occupying tenant.

The CHANCELLOR OF THE EXCHEQUER said, that the old Act made no distinction between the owner and occupier. It appeared to him that no person could occupy a house of his own, of 20*l.* a-year, without being a man of substance and property to some extent.

MR. FREWEN had many constituents who were owners of small freeholds, which they occupied, but were in a much more depressed condition in many cases than the tenants.

MR. ALDERMAN SIDNEY inquired how the annual value was to be ascertained?

The CHANCELLOR OF THE EXCHEQUER could add nothing to what he had already stated. He took a very low sum in the pound, and rated the house at the highest annual value, to be ascertained by the assessment to the property tax.

Resolution agreed to; House resumed; Resolution to be reported To-morrow.

COFFEE AND TIMBER DUTIES ACTS.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER moved a Resolution to the effect that, in lieu of the duties of Customs now chargeable on the articles undermentioned, imported into the United Kingdom, the following duties should be charged, namely, coffee, the lb., 3*d.*; coffee, kiln-dried, roasted, or ground, the lb., 6*d.*

MR. T. BARING said, that it was his opinion that an equalisation of duties would be injurious to our colonies, more particularly to Ceylon, which had lately made very great progress in its exports, and had always relied on a preference for its produce in the home market. He objected more especially to such a sudden equalisation, and would, at all events, have expected to see the same plan pursued with respect to coffee as had been followed with regard to sugar. Knowing the opinion of Government and of hon. Gentlemen, that the British producer was to have no advantage over the foreign producer, it would be useless for him to press his opposition, though he considered it well founded. Moreover, out of doors he had not heard of any agitation against it; and if the colonial producers thought that they could compete with the foreigner without differential or protective duties, he did not desire to restrain them, being in favour of competition wherever it did not amount to ruin, conceiving fair competition to be a benefit to the consumer. He did not wish protection for the sake of protection, but only to meet just claims; but he thought it would have been only fair had the reduction been to 3*d.* on colonial, and to 4*d.* on foreign coffee. He should like to know if the opinion of the Government of Ceylon had been taken as to the effects of this change? Whatever opinion might be entertained on this point, there could surely be no opposition to a plan which would prevent great adulteration in coffee; for, if the colonies were exposed to competition, they had, at all events, fair claims to fair dealing, and if there was a considerable adulteration which was injurious to the producer, to the importer, to the consumer, and to the revenue, it was the duty of Government to prevent it. It was not necessary to prove that the consumption of real coffee had fallen off very materially—the revenue returns proved the fact; and though the Chancellor of the Exchequer might say it was attributable to an increase of low-duty coffee and to a decrease of high-duty coffee, he could not deny that, since 1847, there had been a diminution of 6,000,000 lbs., and that every year there had been a decrease in the deliveries of consumption. That decrease was not owing to any want of power to consume it, for the country was in a state of great prosperity—["Hear, hear!"]—at least that was what the Chancellor of the Exchequer said; nor was it from any indisposition to habits of temperance; nor to the place of coffee having been taken by any other excisable article, because tea, which was looked upon as being most in competition with coffee, had not increased in consumption beyond the increase of population. The real cause of it was undoubtedly the adulteration of coffee, which had taken place in consequence of a Treasury Minute, which sanctioned adulteration with chicory, and the consequence of which was, that the Excise never prosecuted for any adulteration at all. The fair trader was thus exposed to all the effects of this adulteration, and he could hardly blame those who practised it for believing they had the authority of Government on their side. But the producer and importer were not the only persons injured—the consumer had to pay a very high price for an adulterated article. The best adulterated coffee contained about one-fourth of coffee, and the rest was of other ingredients, and the consumer ought to get a pound of it for 6*d.*; but, instead of that, he paid much more. If he was to take adulterated coffee, let him get it at a reasonable price. The Chancellor of the Exchequer considered chicory a very wholesome substitute for coffee; but then let it be used as a substitute. When the Treasury Minute was issued in 1840, coffee was at a very high price, and tea was much higher than it is at present, in consequence of the Chinese war. Chicory was admitted then because there was no fraud on the revenue, and it paid duty; but since that time it had been largely cultivated in England. The Chancellor of the Exchequer ought either to reduce the duty, so as to prevent adulteration, or to put an excise duty on chicory, or to withdraw the Treasury Minute. The reduction of duty to 3*d.* would not prevent the adulteration of coffee, when the article by which the adulteration was effected cost less than the duty. The example of the United States had been referred to in justification of the course proposed to be taken by the Government; but it should be recollected that, in the first place, there was no duty on coffee in the United States; and, secondly, that almost all the Americans ground their coffee in their own houses. It was not his intention to dwell on the sanitary part of the question; but he would observe, in passing, that the adulteration of coffee was detrimental to the health of the consumer. It was impossible to conceive why the adulteration of coffee should be permitted more than that of tea, pepper, and other exciseable articles. The Chancellor of the Exchequer had declared his unwillingness to maintain an army of excisemen. Those were mere words. Every one knew that not an additional exciseman would be necessary. Besides, he (Mr. Baring) had that day presented a petition from growers and coffee dealers, stating that they were quite ready to submit to such visits of inspection, if such were necessary, for the purpose of putting down the unfair dealer who adulterated his coffee with chicory or other articles. If the Government would abolish the Treasury Minute, the knowledge that there was a power to prosecute in case of adulteration would go a great way towards putting an end to the adulteration. The newspapers of that very morning had stated that there had recently been no less than thirty-six prosecutions for adulteration of beer. Well, then, why did not the Government prosecute for adulteration of coffee, as well as for adulteration of beer and pepper? He could not understand the difference, unless it was that the excise officers did not wish to be put to the trouble of inspecting the manufactories of adulterated coffee. He believed the proposed reduction of the duty on coffee would not prevent adulteration. That, he understood, was the opinion generally entertained by those engaged in the coffee trade. In conclusion, he gave notice that either he, or some person better qualified, would submit a Motion to test the opinion of the House as to the propriety of permitting the adulteration of coffee.

MR. PRINSEP was of opinion that the Government was dealing hardly with the Ceylon planters, who, in the belief that the discriminating duty would be maintained, had expended much capital on the cultivation of coffee. He was not prepared to give up the differential duty so easily as his hon. Friend who had preceded him. He submitted that coffee was a peculiar article, which could only be cultivated under very peculiar circumstances, and at enormous expense; and these considerations having led Parliament to give the coffee planter a differential duty, surely it should be removed, if at all, gradually, as in the case of sugar, and not all at once. As to the adulteration of coffee, he thought the best remedy was the reduction of the duty, to which he had no objection, so that it was effected fairly.

The CHANCELLOR OF THE EXCHEQUER said, that as the hon. Member for Huntingdon (Mr. T. Baring) had given an intimation that the question of the adulteration of coffee would be specifically brought under the consideration of the House, he (the Chancellor of the Exchequer) would reserve for that occasion what he had to say in justification of the course which he had pursued on that subject. With respect to the question more immediately before the Committee, he could but repeat some of the facts he stated when he brought forward his Budget. The consumption of colonial coffee had increased 5,000,000 lbs. during the last five years. In 1846 the quantity of colonial coffee entered for home consumption was 23,720,000 lbs., and in 1850 it was 28,832,000 lbs. During the same period the consumption of foreign coffee had fallen off more than 10,000,000 lbs.—a convincing proof that the differential duty was telling in a formidable manner against the introduction of foreign coffee. It must be admitted that when the quantity of colonial coffee imported into this country exceeded the whole consumption, there could be little need of a protective duty. This, however, was the fact, for during the past year we imported 36,000,000 lbs of colonial coffee, while the whole quantity of coffee, colonial and foreign, entered for home consumption was only 31,000,000 lbs. Thus it was apparent that the quantity of colonial coffee imported exceeded the gross consumption by 5,000,000 lbs., and nearly 3,500,000 lbs. of colonial coffee were actually exported again. It must be evident that, under these circumstances, protection was useless. On the other hand, it was certain that the duty had the effect of excluding certain descriptions of foreign coffee which it was desirable should come into consumption in this country. It might be assumed that the consumption of coffee would increase after the reduction of the duty, and the planters of Ceylon would benefit by that result.

Mr. MOWATT wished to know what would be the actual amount of duty levied on coffee after the proposed reductions should have been made?

The CHANCELLOR of the EXCHEQUER replied, that the duties now payable were, on colonial coffee, 4*d.* and 5 per cent; and on foreign, 6*d.* and 5 per cent. He proposed that, in future, every description of coffee should pay an uniform duty of 3*d.*, without the 5 per cent.

Mr. HUME said, as to the adulteration of coffee, having heard in Committee upstairs three of the Government chemists opposed by three of the first chemists in London, on the question of the adulteration of tobacco, he feared it would be exceedingly difficult to detect the adulteration of coffee. Nor was coffee a worse case than many other articles. Growers had stated that one-third of the quantity of sugar was adulterated; and, indeed, it was an ascertained fact that one-third more sugar was sold than was imported. Unless the purchaser paid attention to the article he purchased, fraud could not be prevented. Last week a merchant in the City sent him up some coffee and some chicory. He tested them, and he found very little difference between the coffee prepared with chicory and the pure coffee; but another person who tried them seemed to think that the chicory improved the flavour. Some in the House were old enough to remember the coffee prepared by Mr. Hunt, which was made out of roasted corn and chicory, and people thought it a very good kind of coffee. For his own part he wished to see every exciseman removed; and if the principles of free trade were fairly developed, he thought that would yet be the result.

Mr. E. H. STANLEY trusted that he should not be chargeable with unnecessarily occupying the attention of the Committee if he ventured to make a few observations with reference to the peculiar difficulties with which the colonial producers of coffee had to contend. With respect to the West Indies, it was hardly necessary to say a word, for in those colonies the production of coffee had all but ceased. Ceylon was the colony deeply interested in this question. The foreign countries whose coffee came into competition with that of Ceylon were Arabia, La Guayra, Java, Costa Rica, Cuba, and Brazil. Of Mocha coffee the quantity imported was small, and it sold at a high price; it was likewise brought to this country by a long voyage, equal to that from Ceylon, and these circumstances combined to prevent it from entering into competition, to any great extent, with coffee of ordinary quality. The same observation applied to the coffee of La Guayra and Java; and as regarded the latter country, the manner in which the land was cultivated, and the monopoly of sale enjoyed by the Government, which forced the occupiers of Crown lands to sell it at fixed and unremunerating prices, tended much to discourage production. As regarded Central America, there was some competition in Costa Rica coffee, which, though not formidable at present, was increasing year by year. It was, however, of peculiar quality and high priced; and, moreover, the greater part found its way into the markets of North America —a circumstance accounted for by geographical position; while the remainder, with the exception of a very small quantity imported into this country, went into the markets of Germany. The quantity of coffee produced in Cuba was not very great, and the quality was not superior. The real competition was exclusively between the coffee of Ceylon and Brazil, and, therefore, he was desirous of stating, very briefly, the disadvantages under which the colonists of Ceylon laboured, compared with the coffee-producers of the Brazils. These circumstances were, the extent and quality of soil, labour, price of food, expense of clearing land, inland transit, and cost of voyage—the last item dividing itself into the two heads of insurance and freight. In Ceylon the soil was of limited extent, the coffee plant growing only on the uplands, the soil of which was described in the report of the Sugar and Coffee-planting Committee, and in other official documents, as being poor generally, and soon exhausted. It was also stated—and he believed accurately—that after four or five years the coffee plants pined and died unless they were carefully manured. To obtain a manure a large expenditure of capital was necessary, there being no pasture for cattle in the uplands. Brazil, on the other hand, possessed a rich alluvial vegetable soil. The area of cultivation was, practically, unlimited, and the coffee-tree lasted there, without artificial attention, for between twenty-two and thirty years. But the quality of soil and extent of territory — important as they were — were not so important as the facility of obtaining an adequate supply of labour. It was notorious that no labour was as cheap as slave labour in a country where public opinion was not directed against the practice of slavery. In Brazil, therefore, there was a constant supply of the cheapest labour. In Ceylon, on the other hand, it was almost impossible to induce the Kandians, who formed the great mass of the population to work as hired labourers, they believing it to be beneath their caste to do so. It had been calculated that the number of Kandians, who could be prevailed on to work, did not form one-fifth of the whole number of labourers required on the coffee estates. It had, in consequence, been found necessary to import Coolies from India to carry on cultivation. Even of these the number had never exceeded from 30,000 to 40,000, while the number of labourers actually wanted was 80,000. Thus the Ceylon planter was supplied with only half the necessary amount of labour. The average wages of a Coolie were from 18*s.* to 20*s.* per month, with lodging, and food sold to him at a low fixed price. In Brazil all the food of the labourers was raised on the ground. Ceylon did not grow rice, which was imported from India at a heavy cost for freight, and paid a duty of 7*d.* per bushel, besides a charge for inland carriage, raising the price to 7*s.* or 8*s.* per bushel. Again, while the cost of clearing of estates, owing to the circumstances he had stated, was in Ceylon not less than 3*l.* per acre, in Brazil 25*s.* to 30*s.* per acre covered the expense. In Ceylon the coffee grew only on the hills, at an altitude, in many places, exceeding 4,000 feet, and at a distance of not less than 70 to 100 miles inland. The roads, though improving, were still few; the usual mode of carriage was, to the nearest highway, from five to fifteen or twenty miles, on men's heads; and the cost of carriage to the shipping port was thus raised to a sum varying from 4*s.* 6*d.* to 8*s.* per cwt. On the other hand, in Brazil, where the estates lay mostly in the Organ mountains (Paracayba district), 60 miles inland, the average price for carriage was 8*d.* the arroba, or 2*s.* 2*d.* per cwt. Then, as to ship conveyance. From Rio it was possible to ship all the year round. At Colombo, from December to June, the monsoon blew from N.E.; from June to December, from the S.W. During this latter period—nearly half the year—ships found great trouble in loading or unloading on account of the waves and surf. There was another harbour on the opposite coast, Trincomalee, but no roads led there, and the distance from the coffee-growing districts was much greater. Again, the time of voyage from Ceylon was, on an average, not less than five months, while from Rio the average was two months or ten weeks. The freight from Brazil was not more than from 27*s.* to 57*s.* per ton, whereas from Ceylon the lowest freight was 3*l.* per ton, but oftener 5*l.* 10*s.*, and in 1847, when rice, imported for labourers on Ceylon estates, was shipped off to Ireland, it was as high as 7*l.* 10*s.* When the corn law was under discussion in that House, great stress had been laid on the circumstance that the home producer had no freight to pay. Let him have the benefit of the argument now, when he pointed out, in this respect, the more favourable condition of the foreign coffee-grower as compared with our own colonists. This would appear in the summary of the case which he would give in this comparative statement:—

Cost of Coffee per Cwt. from Ceylon and Brazil.

	Ceylon.			Brazil.			Difference.		
	£	s.	d.	£	s.	d.	£	s.	d.
Cost of production	1	15	0	1	3	0	0	12	0
Carriage to place of shipment	0	5	6	0	2	2	0	3	4
Freight	0	5	0	0	2	4	0	2	8
Insurance	0	1	1½	0	0	6¾	0	0	6¾
Total cost per cwt. in England, exclusive of duty ..	£2	6	7½	£1	8	0¾	£0	18	6¾

The difference, then, per cwt. between the cost from Ceylon and from Brazil was 18*s.* 6¾*d.* per cwt.; and this was exactly counterbalanced by the present rate of duty, which, at 2*d.* per lb., amounted to 18*s.* 8*d.* per cwt. Hence he inferred that that duty was no more than an adequate compensation for the disadvantages under which the colonial producer laboured. He would not longer detain the Committee, and, aware that anything beyond a protest would be unavailing, he should content himself with entering that protest.

Mr. LABOUCHERE thought, that unless the House was prepared to depart altogether from the principles for the regulation of commerce which it had of late years acted upon, it would not be induced by the hon. Gentleman (Mr. E. H. Stanley) to support discriminating duties. There were many circumstances at present tending to make this a favourable moment for the introduction of these equalising duties. It was a fact that they received from their own colonies at the present moment an amount of coffee in the year which they could not consume, and which they were, therefore, obliged to export. We were now receiving from our own colonies not only enough coffee for our own consumption, but a surplus for exporting abroad. There was, then, no such occasion for despondency on this head as seemed to be suggested. The hon. Gentleman had urged the great advantage which slave labour gave to the Brazils in the cultivation of coffee over the free-labour cultivation of our own colonies. He differed altogether from the hon. Gentleman as to the permanently greater cheapness of slave-labour; and anybody who paid the least attention to what was going on in Brazil at this moment must be aware upon how insecure a basis the whole system of slave-labour rested. No doubt, it had always been contended that in the cultivation of sugar there was great advantage to the employer of slave-labour, by reason of the constant and excessive nature of the labour to which the wretched slaves were subjected; but then the cultivation of coffee had always been contrasted with that of sugar, as a cultivation which could be easily worked by free labour. The hon. Gentleman also spoke of the coffee-grounds of Ceylon as poor, thin land, not naturally adapted for the growth of coffee, and which, unless protected, must be thrown out of cultivation. This was the old argument for the protection of inferior soils, which had been so thoroughly used, so worn out in the corn-law debates, that he had never expected to hear it revived. The hon. Gentleman had revived it; but the House, he was sure, would at once repudiate it.

Mr. CARDWELL said, the hon. Member for Montrose (Mr. Hume) wanted to make out that adulterated coffee was just as good as pure coffee. The hon. Gentleman had, perhaps, not been sworn at Highgate, and was, therefore, not bound to prefer the better to the worse article; but it was extremely desirable that the House should not give Parliamentary sanction to fraud; there had already that been said in the House of Commons which encouraged the roguish grocer, which discouraged the honest trader, which had occasioned a falling off in the annual consumption of 3,200,000 lbs. of coffee, and an annual falling off in the revenue of 80,000*l.* It was time that the honest grocer should be told by Parliament that his neighbour, if a rogue, was at least not a rogue by authority of the House of Commons.

Sir F. T. BARING said, that when he was Chancellor of the Exchequer, great complaints wore made, as now, of adulterations in coffee. A deputation, purporting to represent the coffee trade, that was to say, the honest coffee trade, waited upon him, and earnestly protested against the frauds committed by the dishonest grocers, which tended utterly to ruin those who obeyed the Excise regulations. He asked them, "Can you yourselves frame any set of Excise regulations which will not seriously interfere with trade?" and they at once answered in the negative. The only course that hereupon seemed adapted for giving all parties an equal chance, was to suspend those Excise regulations which it had been represented those knavish traders throve by systematically evading, and which it had been also represented the honest grocers were ruined by obeying.

Mr. WAKLEY said, that in 1840 the

use of the miscroscope was not so well known as it was at present. As to the statement that it was impossible to discover the adulteration of coffee, he could assure the hon. Member for Montrose that there was no difficulty whatever. He asked how the Government could allow such a document as the Treasury Minute to remain in force, which was immoral in its tendency, sanctioning, as it did, a cheat and an imposture, and oppressing, as it had been shown, the honest trader? It was highly discreditable to Government, after all that had been said, to persist in retaining this Minute. He asserted that both chemically and medically chicory was a noxious, unwholesome root, and that its consumption was attended with pernicious consequences and most deleterious effects. He would readily undertake to show the Chancellor of the Exchequer, by the means of a microscope, the difference between the two articles.

Mr. LOCKHART said, that not only chicory, but beans, lupins, lentils, and all sorts of adulterations, were palmed off as coffee upon the poorer classes of consumers, who had not the remedy in their own hands, as, to a certain extent, the rich had.

Lord CLAUD HAMILTON said, that the observations of the hon. Member for Finsbury ought to receive great attention from the Government, on this particular question, as that hon. Member brought to bear not only his habitual philanthropic feelings towards the lower classes, but also great chemical and medical knowledge. His opinions were, therefore, entitled to great weight with the House and with the country. It was a very marvellous thing that the right hon. Gentleman, who boasted of being one of the chiefs of a free-trade Government, now came forward to advocate a protection which forced the lower classes to consume a deleterious drug. He trusted that the right hon. Gentleman would not lend the sanction of his high name to a system of fraud most injurious to the morals of the country. The right hon. Gentleman, in an unfortunate speech, declared his belief that the adulteration of coffee with chicory was wholesome; now that opinion was quoted in favour of the continuance of the fraud. He did not wish entirely to prevent the use of chicory, he wanted to have it by its right name; let them have chicory, or sham chicory, sold as such, but do not let the poor man be obliged to take for coffee what was nothing but a deleterious, noxious, and unwholesome drug. If a person forged a letter upon the right hon. Baronet, and obtained five shillings under a false pretence, he would have him punished; but what was this adulteration but a false pretence?

The CHANCELLOR of the EXCHEQUER said, if he considered chicory a noxious and deleterious article, he would at once consent to the suggestion of the hon. Member for Finsbury (Mr. Wakley); but it was because he did not believe that it was such that he still maintained his former opinion.

Mr. WAKLEY begged to explain; and to show the extent to which the adulteration of coffee was carried on, he might state that examination had been made of coffee bought at a hundred different shops, and nearly every one of them was found to be adulterated, not only with chicory, but with roasted corn, acorns, peas, and beans. After this, chicory itself was purchased at a great many shops and examined, when it was found that the chicory was adulterated in the same way and with the same materials; so that it was plain the coffee was doubly adulterated, first by the articles themselves, and then by the chicory containing these articles. The right hon. Gentleman suffered very much last year from ill health, and he was afraid the cause might be traced to his taking adulterated coffee.

Resolution agreed to, as was the Resolution on the Timber Duties.

House resumed; Resolutions to be reported To-morrow.

SUPPLY—INTERIOR DECORATION OF THE NEW HOUSE OF COMMONS.

Order for going into Committee of Supply read.

Sir De L. EVANS begged to call the attention of the House to the so-called interior decoration of the New House of Commons, persisted in by the architect in opposition to the declared wishes of the Members of the House. Having recently inspected the New House of Commons with the view of ascertaining what progress was being made, he had been much astonished at the unsatisfactory state in which the interior of the House was at present. When the subject last came under discussion it was the almost unanimously expressed opinion that the House should be fitted up in the plainest, the most simple, and the most unornamented manner, and as much in contrast as possible to the gorgeous and gingerbread gilding of the House of Lords. He presumed, however, that the architect had taken advantage of the absence from town of the hon. Member for Lancaster (Mr. T. Greene), for he found that there were not two square inches of the wainscotting, or any part of the interior, that had not been ornamented, or rather he should say disfigured, by wretched fantastic carving, so that it looked more like some monastery of the tenth or twelfth century, than a representative chamber of the nineteenth. The enormous propensity of Mr. Barry for gilding whatever he laid his hands upon, had been immediately commenced. The ceilings of the galleries were commenced to be gilded; and there were, amongst other things, shields to contain the armorial bearings of the Speakers for the last 500 years; and although he had every respect for those Gentlemen, he thought that was a species of ornament that might have been dispensed with. There were also 200 small shields or escocheons which had been carved out, and were to be painted, no doubt in very gaudy and glaring colours. He did not pretend to be a dilettante or a man of great taste; but it certainly could not be denied that light was necessary to a legislative chamber, and that facilities for hearing were also most important. Mr. Barry's neglect of the latter had occasioned the roof to be lowered, and by that step he had taken away half the light that was previously afforded. Besides that, the glass was to be painted, and every sort of grotesque figure in the most inharmonious colours was to be seen. It was not the very clearest climate that we lived in, and surely none of the light of heaven should be excluded. He begged to inquire of the hon. Member for Lancaster how these circumstances had occurred, and at the same time to return his thanks to the Chancellor of the Exchequer for having ordered a complete cessation of these ornamental proceedings about a fortnight since.

Mr. BRIGHT said, that the House had last Session voted 8,500*l*. for this purpose. He should be glad to know whether the alterations already made had not cost a sum approaching double that which the House had voted, and which had been stated to be a sufficient estimate for the alterations required.

Mr. GREENE said, that the Commissioners at their last meeting had called upon Mr. Barry to give an account of what had been expended in the alterations directed by the House. The works were not yet completed, and it was difficult to state precisely, but he believed that they would come within the sum voted by the House. With reference to the mode in which the present decorations had been introduced, he must say that it was his full idea when he left London that it was the desire of the House that the new chamber should be as unadorned as possible; and he certainly thought that Mr. Barry quite understood that to be the case. When he returned, he desired Mr. Barry to state the reason why he had not acted on that understanding; and Mr. Barry's reply was, "I was not aware of any declared wish with respect to the decorations of the House of Commons." He (Mr. Greene) repeated that he thought Mr. Barry had that knowledge, and he was much surprised, when he returned to London, to hear of the decorations. They had taken place without his (Mr. Greene's) sanction, and, having been brought under the notice of the Chancellor of the Exchequer, their further progress had been at once stopped. The ceiling had been so far finished that the Commissioners did not feel justified in going to the expense of scraping it off again. But of course the House might exercise its pleasure upon that point. With respect to what appeared under the gallery, and the shields, the Commissioners had not yet given any special directions, and Mr. Barry had requested them to suspend their orders until a portion of the lower part of the House should be finished. It was the intention of the Commissioners to have what yet remained vacant built up with plain oak, and not to have the shields painted. In their present form he owned that these decorations were very unsightly to him, and he assured the House that it was the anxious desire of the Commissioners to meet their wishes. With regard to the acoustic properties of the House, he frankly owned he did not think that the course adopted by the Committee had been the wisest, for he believed that if the ceiling had been left as it was, and the galleries had been widened, there would have been every requisite facility for hearing. He did not think that any difficulties would be experienced with reference to light. Their sittings were usually in the evening, and the new chamber would be quite as well lighted as their present one.

Mr. WAKLEY wished to know if written instructions had been issued to

Mr. Barry by the Commissioners relative to decorations?

Mr. T. GREENE said that there had been no written instructions. It was almost impossible, in point of fact, to lay down minute details as to decorations; but his understanding certainly was that the interior should be fitted up in as plain a manner as possible, and without any decorations.

The CHANCELLOR of the EXCHEQUER, as a Member of the Committee, wished to remind the House that they had determined to try an experimental roof, and that, having done so upon several occasions, it was ultimately resolved to build the roof after the experimental form. He also had understood it to be the general wish that the interior should be perfectly plain, without any painting or decoration whatever. He was greatly surprised to hear that some painting had been introduced, and he immediately ordered that no further decoration should be proceeded with.

Sir B. HALL recollected that in the Committee his right hon. Friend the Chancellor of the Exchequer had distinctly cautioned Mr. Barry as to the decorations of the House, and his not exceeding the expenditure for which he had given an estimate. He sincerely hoped that, so far as possible, the hon. Member for Lancaster would see that the estimate was not exceeded. He understood it was intended there should be a shield for the arms of every borough; but as he represented a borough—not a very insignificant one, but still which was not incorporated, and therefore had no arms—he hoped that would not be the case. He thought that the new House would be much more commodious in every point of view than the present, and that all the lobbies and appurtenances would be a great improvement; but he should be glad to know when they would be likely to get into the building, because they had gone on year after year, and he believed that the longer they were kept out, the greater would be the expense. He did not see the slightest reason why they should not be able to enter immediately after the Easter holidays.

Mr. T. GREENE said, that Mr. Barry had stated that he believed after Whitsuntide they might enter, but that the difficulty arose from the circumstance of the walls of the lobbies being yet so wet that they might destroy the panelling. For himself, he did not think that until the libraries should be finished, the rooms adjoining fit to be occupied, and the Members' entrances completed, there would be much advantage to be gained from getting in. Neither did he think that any great additional expense would be incurred if they delayed their final occupation until next year. Still the Commissioners would urge Mr. Barry forward as much as possible.

Sir D. NORREYS denied that Mr. Barry had ever received any instructions with respect to the ornament of the House. As they had adopted a certain style with respect to architecture, they should have the details and ornaments carried out in a similar taste, otherwise they would be acting in a most absurd manner. As the House had chosen to adopt this style of architecture, Mr. Barry was quite right in adopting the style of decoration in unison with it, and had therefore been improperly stopped. He was not Mr. Barry's advocate—he believed Mr. Barry had committed more faults than any other architect; in fact the country had paid 1,000,000*l.* in the education of Mr. Barry as a mediæval architect—but he considered, as Mr. Barry had perfected himself in that style of education which the country had prescribed, he ought not to be censured for carrying out its principle. He differed from the opinion of the hon. Member for Lancaster (Mr. T. Greene) about the uncoloured heraldic decorations. He was at a loss to conceive how the idea of heraldic decorations was to be carried out without using colour. He did not agree with the hon. and gallant Member for Westminster (Sir De Lacy Evans) with respect to the fault he found about the decorations. He believed the decorations to be suitable, and in character with the design of the building. He would call the attention of the House to the wording of the Motion of the hon. and gallant Member for Westminster. The words of the Motion went to impugn the professional reputation of the architect employed by that House, inasmuch as the Motion would lead persons to believe that the architect was acting in opposition to the wishes of the House and the nation. He considered it was not fair towards Mr. Barry to create such an impression.

Colonel RAWDON said, he had been requested by Mr. Barry to make a statement to the House; and, in justice to an absent individual, he hoped the House would allow him to do so. The statement was this:—

> "Mr. Barry has not been made acquainted with any declared wishes on the part of the Members of the House as to the decorations of the new House of Commons, and knows nothing of the existence of such a declaration collectively or individually. Mr. Barry is not persisting in carrying into effect the 'so-called' internal decoration of the House, which was suspended on its being objected to by the Chancellor of the Exchequer. Heraldry is absolutely essential to the character and the full expression of the Tudor style of the design adopted by Parliament, and it is the only means of giving historic interest to it, which, in a great national edifice devoted to the object of the New Palace at Westminster, is most desirable for many reasons. A display of heraldry and suitable historic decorations has always formed an essential feature of the design and estimates of the building sanctioned by Parliament, and I have never received any intimation, either written or verbal, to forego the use of it."

He supposed, therefore, that all these decorations had been sanctioned by Parliament, as they had been laid before the authorities when the estimates were before them. He was sorry to have heard the statement of the hon. Member for Lancaster (Mr. T. Greene) as to the internal decorations, for he (Colonel Rawdon) was at a loss to understand how heraldic decorations could be carried on without colours. As to the decorations referred to by that hon. and gallant Officer the Member for Westminster (Sir De Lacy Evans), he dobted whether the gallant Officer could have been in the new House; there was a lighter colour in the ceiling, because Mr. Barry said he found that if it was entirely of oak colour, being so low as it now was, it would have a very sombre and heavy appearance. In a gorgeous palace of this kind, they ought to create as much historic interest in it as possible. But he wished to call attention to the form of notice of the hon. and gallant Officer, and to say that, while the right hon. Gentleman in the chair claimed for every Member in that House a right of speech, he thought no hon. Member was bound to put into print a notice of this kind, which impugned the professional character of a professional man. The notice was neither more nor less than this—that an architect employed by the country was acting in opposition to the repeated wishes of Parliament. They ought to be careful in dealing with the character of a professional man. The wishes of the House had not been conveyed in a manner so authoritative, and therefore the hon. and gallant Officer was not justified in saying that the architect was proceeding in opposing the wishes of the House.

VISCOUNT DUNCAN said, the hon. and gallant Gentleman told them that Mr. Barry intended to pursue the style of decorations he thought expedient, notwithstanding anything that might fall from the Chancellor of the Exchequer or the Commissioners. Every person appeared to be satisfied with the decorations of the House last year. The House was perfectly plain, and if it was necessary that colouring should be used, the House had a right to complain that it had not been used before then. But there seemed to be no end to the expense of the new House. They began with an estimate of 500,000*l.*; he believed it now amounted to 2,000,000*l.* He wished to know what was the actual expense incurred up to that moment, and what it would be to bring the works to a close. By a return he held in his hand he found that the quantity of water to be supplied for the new and old Houses and official residences was 260,000 gallons a day while the House was sitting, and 100,000 during the recess; but he had been credibly informed that that was a larger supply than would be afforded to a town of 14,000 inhabitants. If they went on in that way, the people of the country would be very much dissatisfied with their management of this matter. The Government ought to come to some decision on the point. For his own part, he believed the error had arisen from the Board of Works being united with the Woods and Forests, instead of being conducted by a separate and responsible Minister,

MR. T. GREENE thought the noble Lord had misunderstood the statement of the hon. and gallant Member (Colonel Rawdon). The hon. and gallant Member stated that Mr. Barry did not understand that any express orders had been given, but as soon as he found such orders were given he suspended all operations, and would not proceed in the smallest degree without the authority of the House.

MR. HUME said, he had recommended on a previous occasion that Mr. Barry should be removed from his situation; and he did that as a simple matter of unfitness, and not as a question of pounds, shillings, and pence. The idea of spending 2,500,000*l.* on a building, which, after all, was not a suitable one, presented an absurdity not to be equalled in the annals of human folly. He foresaw that so long as Mr. Barry could build up and pull down, paint and unpaint, at his pleasure, there never would be an end to it. The House was not to blame in the matter. No party could take more trouble than had been taken by the Committee. Finding that Mr. Barry was unprepared and unfit to defend his estimates, the Committee had given him an entire year in which to come forward with all his plans and estimates, and to have everything ready; and the Board of Works had recommended that he should not be allowed to commence the work till all the plans were agreed on and ready to be contracted for for 750,000*l.* The moment the House of Lords was finished, he (Mr. Hume) had complained that there was not sufficient accommodation for the House of Commons, and had stated that if Mr. Barry was allowed to proceed with it he would make it a gewgaw, just like the House of Lords, and not fit for that House. The House had negatived that proposition. He was convinced that the House would not be finished in five years unless some other plan were taken. Two years ago he had moved for a return of the expense incurred, as well as an estimate of all that was to be expended; and the Government of the day had done extremely wrong in allowing the works to proceed without obtaining that estimate. Mr. Barry would now have to receive 50,000*l.* or 70,000*l.* It was all very well for him getting his 5 per cent on the outlay, but it was contrary to the express agreement. But the Government was more to blame than Mr. Barry, who was obtaining his education at the cost of 1,000,000*l.*, in order to perfect himself in architecture, at the expense of the country; and he had no doubt the building would cost another million.

Sir R. H. INGLIS said, his recollection of the first estimate was, that it should be 764,000*l.* Then it became necessary to make an embankment apart from the original estimate, the cost of which was 80,000*l.* After that, the House adopted a system of ventilation, and it was necessary to erect a tower; that was sanctioned by the House, and cost 70,000*l.* more. That raised the cost above 914,000*l.* But then there was the purchase of houses in Abingdon-street; and, besides that, there was the furniture of the building, extending over an immense space of ground, and with a façade unrivalled in richness, as well as in lineal extent, by any other in continental Europe. But he believed that the money already expended had not been half of 2,500,000*l.*; and, be the architect faultless or faulty, it was of importance to his reputation that the facts should be accurately stated. Some individual Members might have complained; but where was the record of opinion of a Committee, or of that House, on the assumption of which opinion the notice now on the table had been given? He denied that there had been any such expression of opinion; and, though he could not agree with the hon. Member for Lancaster (Mr. T. Greene), when he said there was an understanding on the subject, still he thought Mr. Barry would say there was no intimation of a declared will or wish on the part of the House or the Committee that he should omit or do anything that he had done or omitted. He thought it due to the character of an architect of first-rate reputation—for first rate he believed Mr. Barry would have been, even if he had not been the architect of the New Houses of Parliament—to make this statement to the House.

Lord CLAUDE HAMILTON feared that the hon. Baronet had not listened to the observations of the hon. Member for Marylebone, who had stated that he had heard a conversation between the architect and the right hon. the Chancellor of the Exchequer on the subject of the decorations. The hon. Member for Lancaster had also stated that an understanding was come to with Mr. Barry on that subject. He (Lord Claude Hamilton) most fully conceded that no Englishman could be indifferent to the feeling that tenderness should be exhibited in dealing with an absent man; and he, therefore, deeply deplored that the hon. Member for the University of Oxford should have thrown out as a taunt that, because the House had not formally recorded its condemnation of the architect of the New Palace, it was to be assumed that they approved of every thing he had done. He apprehended it would place Mr. Barry in a worse position than he was before; for if approval was assumed because no formal protest was made, the House might not in future consult that feeling of consideration by which they had been actuated. He wished to say nothing with respect to Mr. Barry's talents; they had heard that the decorations were not approved by the Commissioners; and, being the representatives of those who had to pay for the building, if they invited attention to their proceedings by their publication, he asked whether they were not setting a bad example in allowing Mr. Barry, without specifications, without draw-ings, without plans, without consulting the Commissioners, to incur any expense he liked, and to involve the country in the payment of any of his fancies, however little in accordance with the wishes of the taxpayers? The grave error, from which sprung all other errors, was commited in 1835, when the architects were not bound down by any specification as to amount. All the architects were invited to compete, but nothing like an estimate was given. The result was, that one plan would have cost 200,000*l.*, and another 1,100,000*l.*; there was no limit, and the dearest of all the plans was selected, for the amount had been nearly doubled. He hoped that some limit would now be placed on that expenditure, and, instead of desultory, and perhaps invidious, conversation, that the House would treat the matter as one of practical business.

Lord H. VANE hoped the House would come to some understanding on the matter. Mr. Barry ought to receive specific authority, and ought to be obliged to act on that, and on that alone.

Mr. J. E. DENISON would like to know who was responsible? He had the strongest possible feeling that the conduct and management ought to be put under some responsible administration.

Sir H. WILLOUGHBY must revert to the discussion on the New Houses of Parliament; he wished to know who was responsible, for positively no one seemed responsible?

The CHANCELLOR of the EXCHEQUER understood that the responsibility rested with the Commissioners; but, owing to the illness of one hon. Gentleman, who was, therefore, absent from England for some time, the Commissioners did not meet; and in that interval the decorations which he had stopped were introduced.

Mr. T. GREENE said, the Commissioners had to determine upon the decorations, furniture, and fittings, subject to the approval of the Treasury with regard to the cost. He did not wish it to be understood that he said there was an understanding with Mr. Barry as to the ornaments, but that the Commissioners conferred with him on the subject. He thought Mr. Barry did understand; but he was ready to believe that that gentleman was not at all aware what were the wishes of the Commissioners.

Mr. BANKES considered that the blame rested with the Treasury, who were responsible for the expense. As a member of the Committee who sat towards the close of last Session, he could only say, that they determined that no expense should be incurred beyond what was absolutely necessary for securing a further extension of room to accommodate the number of Members usually in attendance. Their opinion was against painted windows, for fear of diminishing the quantity of light. Half the windows had been cut off to secure the necessary amount of room; and, now the windows were painted, he could not read moderate-sized print without great difficulty. The light was so deficient that he believed they would require at noonday such artificial light as they had then; and the expense of those windows must, in addition, be very considerable. He knew not who were responsible; but he was sure the Committee were not responsible, for in every discussion the principle of economy had never been lost sight of. All they had ventured to recommend was an extension of room; and he greatly regretted the expense, which no one had authorised.

Mr. HUME asked, whether Mr. Barry had given in any statement of the expense of ornaments and fittings to be submitted to the Treasury?

Mr. T. GREENE could not give a very satisfactory reply. The whole arrangements were now in the order of the Committee, and the Commissioners felt that it had been taken out of their hands.

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply; Mr. Bernal in the chair.

(1.) 14,606*l.*, Distinguished Services.

(2.) 52,000*l.*, General Officers.

(3.) 52,500*l.*, Full Pay, Reduced and Retired Officers.

Votes agreed to.

(4.) 377,000*l.*, Half Pay, Reduced and Retired Officers.

Mr. HUME wished to know whether any of these officers were capable of returning to the service, if required?

Mr. FOX MAULE replied, that some were, but the proportion was very small indeed—as small as could be conceived. There had been of late years a visible diminution both in the number of officers on the list, and in the sum granted to them. In 1835, the number on the list was 5,671. It was now 3,130, and the sum voted had diminished from 585,000*l.* to 377,000*l.*

Vote agreed to.

(5.) 38,993*l.*, Disbanded Foreign Corps.

Mr. HUME said, that, on looking over the printed returns, he was struck by the extraordinary longevity of these annuitants. They certainly appeared to live much longer than half-pay officers residing in Great Britain. Great care ought to be taken by the Government to see that no imposition was practised, otherwise these foreign pensioners would live for ever.

Mr. FOX MAULE assured the hon. Member that every possible precaution was taken to prevent imposture; and the recipients of the pensions had to be identified by the consuls abroad before receiving their annuities. There was a gradual diminution in the number of annuitants, and there seemed to be every probability that, in the course of a few years, the whole item would disappear.

Mr. HUME: Well, that is so far satisfactory; but he remembered some years ago calling attention to the pensions of some persons who came over here on the revocation of the edict of Nantes, and the explanation was, that though all these persons were dead, other persons had had the pensions granted to them instead. He did not think the War Office would be guilty of such a job as that, but still these pensions required looking after.

Mr. FOX MAULE said, in 1835 the numbers were 673; in 1851 they are 320.

Vote agreed to, as were the following Votes :—

(6.) 122,717*l.* Widows' Pensions.

(7.) 88,500*l.* Compassionate List.

(8.) 35,413*l.* Chelsea and Kilmainham Hospitals.

Mr. HUME thought the time had come when the Government should inquire whether the establishment of Chelsea Hospital was productive of benefit proportionate to its expense. Since greater facilities had been afforded for paying pensioners at their own abodes, there had been a disinclination exhibited on the part of pensioners to reside in the Hospital. If the immense staff of officers in the establishment were disbanded, the number of really deserving objects receiving relief might be quadrupled.

Lord NAAS inquired whether the right hon. Gentleman the Secretary at War had issued, in the case of the Chelsea Hospital, similar instructions to those which had been issued in the case of Kilmainham, namely, that no more inmates should be admitted without application being first made to the War Office?

Mr. FOX MAULE said, he certainly had not.

Mr. W. WILLIAMS thought the abuses in the Chelsea establishment were many and flagrant. There were 540 old men in the Hospital, and there were no fewer than 102 officers and 27 nurses to take care of them. The entire cost of the establishment was 26,735*l.*, of which near 9,004*l.* was paid to officers of the establishment.

Colonel DUNNE wished to know whether the 120 officers included the nurses? He would be glad to know how much was allowed for apartments for the staff officers. He thought it would be found upon inquiry that the institution was almost self-supporting.

Vote agreed to, as was also—

(9.) 1,233,050*l.* Out-Pensioners.

(10.) 37,500*l.* Superannuations.

Colonel CHATTERTON said: Before the Army Estimates are finally disposed of, I am anxious to repeat a few remarks nearly similar to what I stated last year, and requested the right hon. Secretary's attention to, which he promised he would accord; and I would, in the first place, beg to remark upon the smallness of the sum voted under the head of "Allowance to Commanding Officers, as borne upon the Establishment—4,941*l.*" Now, Sir, this arises from a case of manifest injustice, in granting to officers commanding infantry regiments an allowance of 3*s.* per diem as command money. Now, Sir, why this should be withheld from the officer commanding a cavalry regiment, I am greatly at a loss to imagine, or how such an act of injustice could exist; by this, the pay of the lieutenant-colonel of the infantry is greater than the cavalry lieutenant-colonel, for the latter pays for forage for his horses, and the former does not; and the infantry service is not one-tenth so expensive as the cavalry. Whilst on the subject of forage, I would also remark upon another case of very flagrant injustice shown to the cavalry officer, in having to pay for the forage of his regimental chargers, kept for the public service. Payment for the forage is liberally granted to our illustrious Field Marshal, the Commander-in-Chief—every general officer employed; every description of staff officer; every officer of infantry; artillery; engineers; commissariat; all receive payment for their horses; and the cavalry service, where alone horses are positively required, where the force would be useless without, are compelled to pay for their keep and forage. This, Sir, is an anomaly unheard of in any other service, and is so decidedly unsupportable by any idea of right or justice, that I am surprised any Secretary at War could sanction it. I trust, therefore, the right hon. Secretary will consider this, and remove the injustice. The right hon. Secretary dwelt with much eloquence and force upon the many and great advantages derivable from the grant of 1*s.* 2*d.*, made by a late order, to the married soldier, for lodging-money—and no doubt they are very great, and I rejoiced to see the House reciprocate that feeling; but I hope my right hon. Friend will excuse me when I say I do not join in this feeling of praise, for I find the same spirit of parsimony here which always marks all gifts to soldiers. I dare say every Member (except the military) in the House were impressed with the idea that every soldier who had married with consent of his commanding officer, received this bounty; but such is not the fact, it is only given in the miserable proportion of 3 for every 100—thus giving about 8*s.* 9*d.* to every cavalry regiment per week, and about 3*s.* 8*d.* to each infantry corps. But this is not all. Perhaps my right hon. Friend will scarcely credit me when I say the public benefit by this great liberality—by the barrack regulations every man residing out of barracks forfeits all claim for fuel and candles, as well as the use of barrack bedding and furniture. Now, Sir, the value of these allowances is, I should say, rather more than 1*s.* 2*d.* per week; certainly more if we take into consideration the wear and tear of the furniture. Thus, what is paid by one department is saved by another, and of course the soldier suffers. The right hon. Secretary talked of the advantage which would accrue to the soldier by having model lodging-houses near the barracks, and no doubt it would be; but I venture to suggest a plan which would be far more advisable, namely, for the Barracks Department to construct some small tenements inside the barrack walls suitable for married soldiers, and they would gladly pay this allowance of 1*s.* 2*d.* per week. They would have the advantage of residing with their families, free from the wretched association of the profligate and depraved, who resort to those low lodging-houses where the soldier can only seek for accommodation—they would shelter their families from the immorality and impropriety of occupying the same rooms with bachelor soldiers, being resident within the walls, and they would have their fuel allowance, and the use of barrack bedding and furniture, and be thus comparatively happy, and they would be under the surveillance of their officers, which every soldier should be. I have only one more matter to call the right hon. Secretary's attention to, namely, the state of barrack accommodation and lodging money to married officers. When a regiment arrives at its new quarters, the senior officers have their choice of quarters in barracks, and it usually happens the staff officers have the prior choice; but this is rendered quite useless by the paucity of the accommodation—one room. So those officers are forced into lodgings, and the junior officers occupy the room in barracks. Now, Sir, although the accommodation is not large enough, these officers, before they can receive lodging money—wretched as it is, 6*s.* per week—are obliged to sign a certificate that "they are not in lodgings for their own personal accommodation." Now, Sir, I hope the right hon. Secretary will expunge this certificate, which no officer can sign; and as this injustice falls on those who can least afford it, namely, staff-officers who have risen from the ranks by merit, it is most desirable it should be done away with; and I do entreat my right hon. Friend will consider this, and expunge this most objectionable certificate, and enable these officers to obtain lodging-money when the barrack accommodation is not sufficient for the corps. I have to apologise for taking up so much of the time of the House, but my anxiety for the advantage and well-being of my profession will plead my apology.

Mr. J. A. SMITH begged to call the attention of the right hon. Secretary at War to the want of day rooms for soldiers in barracks, as a means of raising the character of the soldier. He believed that in all other services in Europe there were common rooms for the soldiers, to which they could repair and pass their time in rational amusements, instead of in the town or canteen. He threw out the suggestion in order that accommodation might be provided in any new barracks that might be built hereafter.

Mr. FOX MAULE said, with reference to the remarks of the hon. and gallant Gentleman (Col. Chatterton) respecting the command money of officers commanding regiments, that he feared the question was one of pounds, shillings and pence, depending upon the liberality of the House.

There were questions with regard to officers in the Army and their pay, that required prior consideration; but he had not, as yet, been able to move in that direction, nor was he aware that he had given any pledge that he would do so. With regard to cavalry officers, he did not think they had the ground of complaint which the hon. and gallant Gentleman stated. The pay was perhaps lower than it ought to be; but still he did not think it was lower in proportion than that of other officers in the Army. With regard to the question of married soldiers, it was the intention to allow three out of the six permitted to marry to live out of barracks, and arrangements were also being made for separating the married and unmarried soldiers. The question of married officers was one which he feared he could not touch, for if they were to allow married officers to have accommodation for their wives and families as a matter of claim, the entire Army would very soon be married. With regard to the suggestions made by the hon. Member for Chichester (Mr. J. A. Smith), they were extremely valuable, and he assured him that they had not been forgotten. Almost every barrack had now a day-room, supplied with newspapers and periodicals, to which he was happy to say the soldiers resorted in preference to the town or the canteen. These rooms were not as large as they ought to be; but care would be taken to extend accommodation of this kind as much as possible.

Mr. HENLEY wished to know whether the right hon. Secretary at War had any objection to a return being made out, showing the comparative cost between the cavalry horses and the horses which were in the service of the artillery? On comparing the estimate, he found that whilst the cost of the horses in the cavalry were 26*l.*, those in the artillery service cost 31*l.*

Mr. FOX MAULE said, he should be happy to procure any information which the hon. Gentleman might desire, on his bringing the question before the House in the shape of a Motion for a return.

Vote agreed to.

House resumed.

Resolutions to be reported To-morrow.

EXPENSES OF PROSECUTION BILL.

Order for Third Reading read.

Bill read 3°. On the Question that the Bill do pass,

Mr. BANKES said, he looked upon the measure as one of considerable importance. He thought it would have been perfectly safe to have made it extend to cases of conspiracy. He thought also that provision ought to be made for defraying the expenses of parties who conducted proceedings for conspiracy in gross cases of injustice. A discretion ought to be given to the Judges who adjudicated on those prosecutions to award costs to the prosecutors.

Sir G. GREY said, the Bill already provided for certain cases of conspiracy; but it was thought unwise to burthen it with provisions to meet every particular case of that nature which might occur.

Mr. HUME said, in his opinion the time for the appointment of a public prosecutor had arrived.

Bill passed.

ADVERTISING VANS, AND BARREL ORGANS.

Colonel SIBTHORP moved for a copy of the instructions given by the Commissioners of the Police to the police officers, relative to the preventing obstructions and other nuisances caused by the large travelling barrel-organs and advertising vans in and about the metropolis. He begged to call the attention of the right hon. Gentleman the Secretary of State for the Home Department to the substance of a letter which had been sent to him, and which he remembered seeing in the *Times* some time ago, relating the circumstance of a gentleman having been thrown out of his gig when driving along the Strand, by one of these advertising vans, in consequence of which he had suffered severely. The other night he had endeavoured to call the attention of Government to this subject generally, with the view of abating intolerable nuiances of this kind; and when he mentioned the subject to the right hon. Gentleman he found him extremely anxious, as he always was, to do whatever he could to correct any nuisances and evils in this metropolis. At that time the right hon. Gentleman had stated that an order had been given to the police on the 21st March, relative to this matter; and the right hon. Gentleman had stated that the police had full powers in regard to street nuisances generally, and that as concerned street music there was a special enactment in the 26th section of the Police Act, empowering any householder, by himself or by his servant, to order the musician to cease playing before his house in the case of illness in his family; and if the offender refused compliance, he might be taken before a magistrate, and was liable to a fine of not more than 40*s*. [The hon. and gallant Member then read a letter which had been sent by order of the Police Commissioners, dated Whitehall, March 28, intimating that "the police had no authority to prevent playing music in the streets."] And yet the right hon. Gentleman had said in his speech that such an order had been given; and the letter he (Colonel Sibthorp) had read was dated six days subsequent to the right hon. Baronet's notification. After such a letter as he had just read, he really thought he was justified in calling the attention of the right hon. Gentleman again to the subject. He did not himself pretend to know what powers might really exist, or how far they have extended with regard to this matter; but he must say he regretted that these nuisances did continue to the very serious extent they had gone. He had mentioned that a gentleman had been thrown from his gig by an advertising van and injured; and he begged to remind the right hon. Baronet that an hon. Member of that House had complained of the frauds that were practised on the revenue at railway stations and other places, by these advertising vans, which exhibited advertisements of all kinds without paying any duty whatever for them. He was sure that the right hon. Baronet was not aware of the extent to which such nuisances prevailed. He did not doubt his desire to put a stop to them as far as he could. There were also many complaints from tradesmen regarding the difficulty they experienced in passing through the streets.

Sir G. GREY could assure the hon. and gallant Gentleman that he was very desirous, consistent with the law, to remove any of the obstructions complained of. With reference to the letter of the 21st of March, he (Sir G. Grey) could state that the apparent difference between the letter and the statement the hon. and gallant Member had made arose thus:—It had been stated in the newspapers that he (Sir G. Grey) had said that orders had been given to put a stop to all street nuisances; whereas he had said that any servant, owner, or occupier of property could complain of any nuisance to the parties, and if they refused to remove them, they could make a complaint to the police, who would interfere if it were a case within the law. The order of the 21st of March was not an order to prohibit all street nuisances, but to prohibit and order the removal of all such obstructions and impediments as were dangerous or obstructive to the thoroughfares. He had no objections to the return asked.

Mr. BROTHERTON had had complaints made to him of the interference of the hon. and gallant Officer (Colonel Sibthorp) regarding street music. If the hon. and gallant Officer could enjoy the opera, they thought that he should not interfere with the enjoyments of the poor, for street music was an enjoyment to the poor, without its being a nuisance to any one. He (Mr. Brotherton) was glad to hear that the right hon. Baronet (Sir G. Grey) had not given orders for the removal of all street nuisances; but he (Mr. Brotherton) believed that the police had been more active than they ought to have been, and the poor ought not to be deprived of these enjoyments which the hon. and gallant Officer could afford to pay for at the opera-house.

Colonel SIBTHORP had no doubt that the hon. Member (Mr. Brotherton) had received complaints on the subject, and he might receive many more; but he (Col. Sibthorp) promised him that he would persist in doing his duty in order that the inhabitants might be secured from danger to their lives.

Return ordered.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Tuesday, April 15, 1851.

Minutes.] Public Bill.—1ª Coroners.

THE MILITARY KNIGHTS OF WINDSOR.

Colonel SALWEY begged to put the question to the right hon. Baronet the Secretary of State for the Home Department, of which he had given notice. It was one which had reference to the case and claims of that meritorious and gallant body of men, the Military Knights of Windsor, who complained that whilst the revenues of the Dean and Chapter of Windsor, who were appointed trustees and stewards for the Military Knights to protect them, whilst their property and their interests had increased tenfold, and now amounted to 22,500*l.* a year, they compelled those gallant and deserving men to subsist on their miserable stipend of one shilling a day, the same as they received at their first foundation in the reign of Edward the Third. As the case was one that affected the interests of every man of every rank, and of every grade, in the

British Army, and was of vital importance to the Military Knights themselves, he begged to ask the right hon. Baronet whether the late Attorney General, Sir Frederick Pollock, and the late Solicitor General, Sir William Follett, gave their opinion on the case and claims of the Military Knights of Windsor; and whether, in case such opinion was given, there was any objection by the Government to lay such opinion, or a copy of it, on the table of the House, with the papers, documents, and letters relating thereto in the Home Office and in the State Paper Office?

Sir G. GREY said, that in 1844 his predecessor in office caused an opinion to be taken upon the legal point in dispute between the Dean and Chapter and the Military Knights. In fact, three opinions were successively taken of the then law officers; and an intimation was conveyed to the Military Knights, through their Governor, that in consequence of those opinions the Government could not advise the Crown to take any steps in the matter. An application was made by the Governor for the production of those opinions; but the then Secretary of State informed him, that when an opinion was taken for the private guidance of the Government, it was not the practice to produce such opinion; and he (Sir G. Grey) felt that, for the same reasons, he could not lay the document in question before the House; but he might state in general terms that it was certainly not favourable to the claims of the Military Knights. The question depended entirely upon the construction of certain documents, and the opinion was adverse to the Knights.

Colonel SALWEY said, he should feel it his duty to give notice that he should take an early opportunity after Easter of moving that a Select Committee be appointed to inquire into the claims of the Military Knights, as set forth in their several petitions to that House.

THE KILRUSH UNION.

Sir G. GREY said, that in the absence of his noble Friend (Lord John Russell), who had intended to state the course in which public business would be taken after the recess, he begged to make the Motion of which the noble Lord had given notice, "That the House at its rising do adjourn to Monday, the 28th of April."

Mr. MONSELL wished to take that opportunity of calling the attention of the House to a matter which must be of most painful interest to every one who had paid any attention to the subject. A few days ago an hon. Member called the attention of the House to the number of deaths taking place weekly in the union of Kilrush. It appeared that out of about 5,000 persons in the workhouse of that union, 200 had died in the course of three weeks, or about 75 per cent. Since that time he had seen a report of the guardians of the union of Kilrush, reflecting upon some letters written by the Rev. Mr. Sidney Godolphin Osborne; but in that report they did not deny the statements made in that House. There could be no doubt of the fact that at some 20 hours' distance of the place in which they were sitting, 75 per cent per annum of the inhabitants of a charitable institution were dying. It had been stated in published letters, that in the neighbouring union of Ennistymon, which was under vice-guardians, the number of deaths had been infinitely greater in proportion to the number of persons in the workhouse than had occurred even in the workhouse of Kilrush; and that from the 8th to the 22nd of March, in a period of two weeks, there had been 235 deaths out of 3,893 persons. The deaths in that workhouse, therefore, had been taking place at the rate of about 170 per cent per annum. Now, he asked hon. Gentlemen to recollect what their own feelings were when out of a population of 2,000,000 in this metropolis, some 200 or 300 persons were dying of cholera daily; and he would also remind them of the attention paid by the House to railway accidents, where comparatively few lives were lost; and then he would ask whether the state of things he had mentioned ought not at once to engage their attention? He was aware it was stated the other night, by the right hon. Secretary for Ireland, in answer to the question of an hon. Gentleman on this subject, that some inquiry would be made, and that the result of that inquiry would be laid upon the table of the House; but he (Mr. Monsell) begged to remind the House that from week to week the Poor Law Commissioners for Ireland received an account of the mortality in every workhouse in that country, and that they were, therefore, perfectly cognisant of the facts. It appeared, however, that, except as a statistical curiosity, no advantage was to be gained from those returns. He hoped the Government would state that they would at once give directions that steps should be taken, not merely to institute an inquiry, but to relieve the existing distress, which was, he believed, unexampled in the history of this country. The number of deaths had, he believed, been greater than had ever taken place in any charitable institution in this kingdom; and it must be remembered that no statement had been made that any disease of any kind was raging in the district, and that the deaths must be owing either to the miserable state of the poor before they entered the workhouse, or to their bad management within its walls. He was sure the noble Lord at the head of the Government must feel most deeply—as deeply as he (Mr. Monsell) or any one else could do—the existence of such a state of things. He entreated the noble Lord, at all events between this time and the reassembling of Parliament after Easter, to direct the Poor Law Commissioners to take steps to prevent so frightful a mortality; and afterwards, if necessary, measures should be proposed and discussed to remedy grievances of which every one must feel the enormity, and with regard to which they incurred a heavy responsibility for their supineness.

Lord JOHN RUSSELL said, that not having been in the House when the hon. Gentleman rose, he had only heard a portion of the statement of the hon. Gentleman; but he had had previous accounts sent him respecting the mortality in the union of Kilrush; and the Poor Law Commissioners in Ireland had reported to the Lord Lieutenant on the subject. He was sorry, however, to say that, although the facts were of a very painful nature, there did not seem to be any immediate mode of preventing such a state of things. Every step that could be taken by sending persons to Kilrush to consider what measures could be adopted, had been taken; but while the state of weakness of the people when they entered the poor-house continued to be such as it had been, he was afraid that the mortality could not be much reduced. An inquiry would also take place into the state of the Ennistymon union.

Mr. SCROPE said, that one reason of the miserable condition of the poor in the Kilrush union was, that the law was not enforced, or at least its intentions were not fulfilled. The fact was that the poor did not receive the relief required to be afforded to them by law. Had the noble Lord instituted an inquiry, or would he institute an inquiry, upon that point? He (Mr. Scrope) thought it was not enough to refer the matter to the Poor Law Commissioners, because they were the parties accountable for any neglect of duty which took place, and, if insufficient relief was given either in or out of the workhouse, the Commissioners were responsible. What was required was that some independent person, upon whom the noble Lord could place implicit reliance, should be sent to Kilrush, to ascertain whether the law was properly administered, or whether there was any neglect of duty on the part of the guardians or the Poor Law Commissioners.

Colonel DUNNE said, one great cause of the distress existing in the Kilrush union was that the district did not produce enough food for the people, and in the case of famine it was absolutely necessary that some other means besides local rates, which were wholly insufficient, should be provided for the support of the people. If the hon. Member for Stroud (Mr. Scrope) was so anxious about the Kilrush union, why did he not contribute to the maintenance of the poor himself? The poor-law inspector, Mr. Lynch, had made a report to the Commissioners as to the state of the Ennistymon union; but the ratepayers complained, in a public document, that that report was frivolous and exaggerated, and they asked that they might be allowed to substantiate their assertion before some competent and fair tribunal. He wished to know whether any steps had been taken to ascertain whether this officer had performed his duties properly, or whether the statement of the ratepayers, which bore the respected name of Sir Lucius O'Brien, was correct?

Lord JOHN RUSSELL said, that not having received any notice that the state of the Kilrush union would be discussed to-night, he had not for some days referred to the papers on the subject. It appeared to him, however, that the duty of the Poor Law Commissioners was, to see that the persons applying for relief, if they were destitute persons, received sufficient relief to support life. The statement of the Commissioners was, that relief had been given, in cases where it had been applied for, according to the rules now in force; and it was said that, in some instances, in the north of Ireland (as we understood), statements had been made that the diet was too abundant, that it was greater in quantity than was necessary for the relief of the paupers. The hon. Member for Stroud (Mr. Scrope) seemed desirous to raise the question of the policy of the Poor Law, but he would not at that moment enter into that general question, and, indeed, if that subject were to be discussed, it was necessary that some notice should be given to the House.

Mr. GOOLD considered that the subject to which the hon. Member for the county of Limerick (Mr. Monsell) had called attention, was one which ought to be thoroughly sifted.

Sir L. O'BRIEN said, it appeared to him that the great difficulty in this case was the want of money. It was very easy to charge the Poor Law Commissioners and the guardians of the Kilrush union with neglect of duty, but what was really wanted was money. Rate after rate had been raised in the Kilrush union, and in the other unions in the county of Clare. He begged to remind the noble Lord at the head of the Government that the famine was now reduced within very narrow limits, and that there were very few distressed unions now. He thought it would be but common humanity on the part of the House—though he acknowledged they had been liberal beyond all that could possibly be asked, almost, indeed, to extravagance, in relieving the distress of Ireland—to carry those few unions through this year. If he did not think the guardians of those unions had done their utmost, he would not ask this for them. He considered that it was very degrading and humiliating, as well as highly disadvantageous to a population, to be always living upon alms; but when such frightful scenes as had been described were brought before them, he did not think himself warranted in making the request, that this case might not be considered in too parsimonious a point of view.

Mr. MOORE said, that whether the cause was want of money or misconduct on the part of the guardians, the fact had been stated by an hon. Member that the poor in certain unions in Ireland—and the term "poor" applied to the whole, or nearly the whole, population of those unions—were dying at the rate of more than 100 per cent per annum. [*A laugh.*] He repeated, at the rate of more than 100 per cent per annum; that was to say, that at the rate of mortality now going on, they would all be swept away in less than a year. The noble Lord (Lord J. Russell) replied, that though he had caused an inquiry to be made into the circumstance, he saw no means by which this mortality could be prevented. In less than a year, then, under the present system, the whole population of certain unions were likely to be swept away. All he could say was, that if that were the sentence of the Government and of that House, a grave responsibility would rest upon the House, the Government, and the country.

Lord JOHN RUSSELL denied that he had made any reply at all to the statement that the mortality in these unions exceeded 100 per cent per annum. That was a statement which he had not heard made, and therefore he could not have answered it. He had been aware that there was great mortality going on in the Kilrush union; and he had made such a statement on the subject as he was able to make without having had notice of the question, and in the absence of his right hon. Friend the Secretary for Ireland.

Subject dropped.

GOVERNMENT SCHOOL BOOKS.

Viscount MAHON wished to put a question to the noble Lord at the head of the Government with regard to the publication of school books in Ireland at the public expense; and he trusted that if the noble Lord was not now able to give him a reply, he probably would be in a position to do so after the recess. This system, which had been established in Ireland, was felt to be a great grievance by many parties. It was considered an undue interference with private competition; it was a grievance to the publishers, with whose trade it interfered; and it was especially a grievance to many respectable men who had written school books, and whom the Government system had deprived of their bread. Two eminent publishers in London, Messrs. Longman and Co. and Mr. Murray, at the end of the year 1849 addressed a letter to the noble Lord upon this subject; and in a note dated the 7th of January, 1850, the private secretary of the noble Lord stated that the letter had been duly received, and that it was under consideration. Another representation on the subject was subsequently addressed to the noble Lord by the same parties, but they did not even receive the customary acknowledgment that it had reached his Lordship. They again applied to the noble Lord in February last, and the answer of the noble Lord's private secretary, dated February 21, was in these words:— "I am desired by Lord John Russell to acknowledge the receipt of your letter of the 20th inst., and of the accompanying memorial." After a correspondence of a year and two months, then, the parties were wholly in the dark as to the intentions of the Government, and they had, in fact, received no answer to their application. The system adopted by the Government was an interference with the sound principle of private competition, and its effect had been to reduce several deserving men to severe distress.

Lord JOHN RUSSELL said, the subject was one which came properly under the consideration of the Committee of Privy Council on Education; and immediately on receiving the first letter of Messrs. Longman, he had asked the President of the Council, whenever the Committee should meet, to allow the subject to be brought under their consideration. It was brought under their consideration; and he concluded that all future correspondence would have taken place between the secretary of that Committee, who usually corresponded on subjects connected with education, and the booksellers concerned. The arrangement agreed to by the Committee of Privy Council was, that it was not desirable to publish any books here, but to treat with different publishers, in different parts of the country, with respect to school books, in order that they might be enabled to afford those books as cheaply as possible to the schools applying for them. The result was, that the publication of the books was abandoned as far as Great Britain was concerned, the books being obtained at the retail price from the booksellers, or 43 per cent cheaper that they used to be. Certainly, however, the Commissioners for Education in Ireland published school books on their own account; but the noble Viscount himself would hardly regret this if he remembered the state of the school books in Ireland before the present system, which had introduced great improvements, was adopted. The Committee of Privy Council on Education did not consider that by this arrangement they had given any advantage to the Commissioners for Education in Ireland. With regard to Great Britain they had not published any works, nor had any offers been made for copyrights. Therefore the whole question resolved itself into this, whether they had given any undue advantage to the Commissioners of Education in Ireland or not? He was unable to give the noble Viscount any further answer to his question at present; but after the Committee of Privy Council for Education had held another meeting, he would be able, perhaps, to afford him more information.

Sir R. H. INGLIS said, that he was no free-trader, but he must assert that the Government had acted contrary to all the principles of free trade. They had not only established a manufactory of school books, but had given a monopoly of the market in Ireland to those books. The noble Lord's answer was far from satisfactory; he admitted that he had received a letter, and had not replied to it. In acting as they had done, the Government were violating their own free principles. It was not enough for the noble Lord to say that there were bad school books thirty years ago; were there not good school-books now? The noble Member for Hertford (Viscount Mahon) had done well in calling attention to this subject.

Mr. HUME said, he was gratified to find that the hon. Baronet who had last spoken was now in the ranks of the free-traders. The hon. Baronet saw the mote in his neighbour's eye, but forgot that there was a beam in his own. He forgot that a monopoly in the publication of Bibles was most unjustly maintained in behalf of the two universities, supported by a patent from the Crown to a printer in this country. It was admitted to be essential that the Bible should be in the hands of every one; and yet the hon. Baronet upheld this monopoly in the two universities. How, then, could he stand up and protest against a monopoly in the printing of school books, the general circulation of which was not so important as that of the Bible? He (Mr. Hume) hoped to have the hon. Baronet's support when he brought on his Motion on the subject of the Bible monopoly.

Sir R. H. INGLIS, in explanation, begged to deny that he was a free-trader. He had never pretended that there should be a monopoly in the printing of school books; on the contrary, he had protested against it.

FREE ADMITTANCE TO ST. PAUL'S CATHEDRAL.

Mr, HUME said, the noble Lord at the head of the Government would recollect that, in the month after the accession of Her Majesty to the Throne, he had presented a petition, emanating from a great public meeting, held at the Freemasons' Tavern, praying for the adoption of measures by which St. Paul's Cathedral and Westminster Abbey might be opened to the public free of expense. That petition was probably signed by more artists and men of science and intelligence than any ever presented. The result was that within a week Her Majesty gave instructions to the noble Lord to use every means in his power to carry out the prayer of the petition. The noble Lord accordingly addressed letters to the Deans and Chapters of St. Paul's, Westminster, and several other cathedrals in the country, stating Her Majesty's wish. It was only quite recently that this object had been partially attained. Westminster Abbey had been opened to the public by Dr. Buckland, the dean; and on the 1st of May next he understood St. Paul's was to be opened free of charge. Seeing that we were about to be visited by a number of intelligent strangers, that all the cathedrals on the Continent were open free of charge, and that these places were always visited by strangers, it was most desirable that measures should be renewed by the Government for obtaining free access to all the cathedrals in the country. It ought to be stated, in justice to the capitular bodies of Norwich, Wells, and York, that those cathedrals were already open free of charge; and in those cases the very best results had been effected. There was no better means of improving the moral character of the people than by giving them free access to those fabrics; it was, in fact, a kind of education, exclusive of the reverential awe with which these venerable structures must impress every one that entered them. He would take that opportunity of expressing to the noble Lord his thanks for the efforts which he made at the time.

Colonel RAWDON said, that Hampton Court was now open on Sundays; he would throw it out for the consideration of the Government whether or not the National Gallery and Kew Gardens might not also be advantageously thrown open on that day.

ST. ALBANS ELECTION.

Order read for resuming Adjourned Debate.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Sir G. CLERK suggested, that the question would be more conveniently raised on the next Order of the Day "for the consideration of the petition of Henry Edwards," and that both the Motion and the Amendment should be withdrawn.

Mr. AGLIONBY said, he would agree to the suggestion.

Amendment and Motion, by leave, *withdrawn.*

Order for consideration of Petition of Henry Edwards read.

Mr. AGLIONBY said, he did not think this a question for much argument or discussion; the matter was in the hands of the House, who, he hoped, would temper judgment with mercy. He would only observe that Edwards had never been called before the Committee, except for the purpose of being identified by those who spoke to the facts with which he was connected. He had never been called as a witness, nor had he been brought to the bar of that House, and asked whether he had anything to say in mitigation of his offence. He (Mr. Aglionby) was not responsible for the course taken by Edwards, or for the accuracy of his allegations, but he had thought it his duty to present the petition entrusted to him. Now, the question was changed. Edwards did not deny the allegations that had been made against him, and he thought had exercised great prudence and discretion in doing so. He had presented a petition, in which he stated that he submitted to the sentence of the House, and that he had been since the 7th of this month in the custody of the Serjeant-at-Arms. He also stated "that he had been found by that honourable House guilty of a Breach of the Privileges of that House, and begged to express his deep contrition for the same. He submitted himself to the mercy of that honourable House, and having endured imprisonment while those nearest and dearest to him were and had been dangerously ill, he prayed that he might be deemed to have suffered enough, and that that honourable House would order him to be discharged." Leaving the matter in the hands of the House, he should merely move that Henry Edwards be called to the Bar, reprimanded by Mr. Speaker, and discharged on payment of his fees.

Motion made, and Question proposed—

> "That Henry Edwards having submitted himself to the mercy of the House, be called to the Bar of the House, and be reprimanded by Mr. Speaker, and discharged, on payment of his fees."

Mr. EDWARD ELLICE would merely observe, as Chairman of the Committee, that he thought the Committee, having reported Edwards to the House, had done with him; it then became a matter between Edwards and the House, and it was not his duty to recommend to the House any course respecting him. If there had been any doubt on his hon. Friend's mind with respect to the terms of the late Reports against Edwards, he trusted that both his hon. Friend and other Gentlemen were now satisfied that there were ample and sufficient grounds for the course adopted by the Committee.

SIR F. THESIGER had certainly expected, not that the hon. Chairman of the Committee would have risen, but rather that one of his hon. and learned Friends, the Attorney or Solicitor General, would have risen to inform the House with regard to the course that ought to be pursued under those circumstances. As they had not risen, however, he felt compelled to assume a rather unwelcome office, that of pressing with severity against a person who had humbled himself before the House, who had acknowledged his offence, and expressed his deep contrition. The House would be really trifling if they were to yield to the application now made by Edwards; they would be covering themselves and the proceedings of the Committee with ridicule; they would be abandoning a duty which, however disagreeable and painful, they were imperatively required to discharge. One could perfectly understand why Edwards had not thought proper to petition that he should be brought to the bar, because it was quite evident he could not venture to face the House, to deny the statements made on oath with respect to his practices, and on which the Committee had acted and reported. Edwards had adopted a different course. A petition, whether stamped with truth or falsehood, presented the same appearance; and Edwards had, in the first place, come to the House with a petition, in which, though not in very direct terms, he certainly had denied that he was guilty of those practices which had induced his being reported to the House; and he petitioned for his discharge on that ground. It appeared that the petition of Edwards, presented originally, was entirely false; and he came before the House with this falsehood, and claimed as his right, as a person who was guilty of no offence, to be discharged. Edwards, finding now that the House would not yield to his application, shifted his ground, presented himself in the attitude of a suppliant, and admitted, in extraordinary terms it was true, but in terms amounting to an admission, that he was guilty of the conduct charged against him. It was rather curious to see that indirectly his admission, like his denial, was worthless:—"Your petitioner, having been found by your honourable House to have been guilty of a Breach of the Privileges of the House of Commons, begs to express his deep contrition for his conduct," &c. The petitioner did not admit that he had been guilty of a Breach of the Privileges of the House, though, as he expressed contrition, it might be assumed that he admitted it; and, as he asked pardon, it was to be presumed that he asked pardon for something. For what was it he expressed that contrition, and asked that pardon? It was for a gross and scandalous attempt to obstruct the course of justice by bribing witnesses to go out of the way. The consequence was, that the whole inquiry had been defeated; after all the expense the petitioners had incurred in support of their petition, it turned out to be futile and fruitless; and Edwards having succeeded in his object, and admitted he was guilty of this misconduct, now applied to the House to be discharged, on the ground that he had suffered eight days' imprisonment. He prayed that he might be deemed to have "suffered" for his fault, and that he should be set at liberty. It was to be supposed that he meant he had sufficiently suffered for his fault. If the House were to yield to the petition of Edwards, would they not be holding out encouragement to similar persons, to persons disposed to stifle inquiry? and many strong partisans would not be indisposed to submit to a week's imprisonment if they could frustrate inquiry. It would be a most dangerous example were Edwards allowed to escape with so mild a punishment as he asked. Edwards did not propose to offer any further explanation of his conduct. He admitted he was guilty. What ought the House to do in the circumstances? It was a subject for regret that Edwards should refer to the sufferings of "those nearest and dearest to him," who "have been and now are dangerously ill." It generally happened that persons connected with those who were subjected to sufferings for their own acts, suffered as well as the parties themselves. That was one of the checks that punishment gave on the commission of offences. The sufferings endured not only in person by those who were punished, but by those who were "near and dear" to them, offered a warning and a preventive. If the House were to yield to these representations, every guilty person would escape with impunity. The offence was one of a very serious character. Edwards had endeavoured to deceive the House; and, under the circumstances, he (Sir F. Thesiger) felt it his duty to move, as an Amendment, "That Henry Edwards be committed to Newgate."

The ATTORNEY GENERAL quite concurred in all that had been said by his hon. and learned Friend the Member for Abingdon (Sir F. Thesiger). He did not rise at once, because he felt that, when a question of law was pending, those who belonged to the legal profession ought to tender their assistance; but where there was no such question, and the only question respected the amount of punishment that should be inflicted on the offender, that course did not appear to him necessary. But it was unquestionable that the House should visit with punishment the offence now clearly known to have been committed. It appeared to him that all must now admit the wisdom of the proceeding of yesterday, when the House, instead of at once sending the person to Newgate, gave him the opportunity of coming forward to deny the offence alleged against him, or of admitting it, and submitting himself to the mercy of the House. The petitioner admitted that he had been guilty of an outrageous violation of the Privileges of the House. It was impossible for the House to pass this over; and he concurred with his hon. and learned Friend (Sir F. Thesiger) that the petitioner ought to be sent to Newgate. The expression of contrition was not sufficient atonement for the offence of which he had been guilty. Perhaps the House might take it into consideration on a future occasion, when the question as to the duration of the punishment was brought before them; but at present there was nothing to do but to follow the course recommended by his hon. and learned Friend.

Sessional Resolution relating to witnesses, read as followeth:—

> "*Resolved*—That if it shall appear that any person hath been tampering with any Witness, in respect of his evidence to be given to the House, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanor; and this House will proceed with the utmost severity against such offender."

Resolution and Order of the House [7th April] in the case of the St. Albans Election, read as followeth:—

> *Resolved*—"That George Sealey Waggett, having evaded all attempts to secure his attendance before the said Committee, and John Hayward and Henry Edwards having prevented his attendance before the said Committee, have been severally guilty of a breach of the privileges of this House.
>
> "*Ordered*—That George Sealey Waggett, John Hayward, and Henry Edwards, having been guilty of a breach of the privileges of this House, be for their said offence taken into the custody of the Serjeant-at-Arms attending this House; and that Mr. Speaker do issue his Warrants accordingly."

Amendment proposed—

> "To leave out from the word 'having' to the end of the Question, in order to add the words, 'been guilty of a breach of the Privileges of this House, be committed to Her Majesty's gaol of Newgate, and that Mr. Speaker do issue his Warrants accordingly,' instead thereof."

Mr. AGLIONBY said, it was not his intention to raise any discussion on the merits of the case. The House was the sole judge, and all the facts were before it. It was quite manifest that the feeling of the House was that the offence had not been expiated by the punishment which this man had already undergone, and that there must be further punishment. He assumed that there might be a period of termination for that punishment. Under these circumstances, he should not divide the House upon this question.

Lord JOHN RUSSELL was very glad that the hon. Member for Cockermouth did not mean to divide the House against the proposed Amendment. It was always desirable that the House should be unanimous, or agree as far as possible, on questions affecting their Privileges, and they must all be of opinion, after hearing the Order and Resolutions of the House read, that they ought to proceed to visit this grave offence with severity.

Mr. BANKES said, he did not rise for the purpose of opposing what appeared to be the general desire of the House; but he wished, as the House was on the eve of adjournment for the Easter recess, to ascertain what was to be done with regard to the other parties against whom Mr. Speaker's warrants had been issued. Was it the intention of the Government, under the circumstances, to offer any reward for the apprehension of those parties, such a course having been pursued in the Grantham and Penryn cases? He had another observation to make with regard to the proceedings of the Committee, and had already signified his wish to have copies of the shorthand writer's notes of its proceedings on its last day of meeting. The hon. Chairman of the Committee (Mr. Edward Ellice) had made a statement with respect to the proceedings of the Committee on that day, which, according to his (Mr. Bankes's) apprehension of it, was very different from a statement respecting those proceedings that appeared in the public journals. He understood the hon. Chairman to state, that the question of the competency of the Committee at the moment to give their Report was never raised, or claimed to be raised, before them; but the statement in one of the public journals was directly the reverse. From that statement it appeared, that the counsel of the petitioners did claim to be heard on the question of the competency of the Committee; nay, he argued that the Committee was incompetent at the time, and addressed them no longer as a Committee, but as hon. Members of the House who no longer did legally constitute a Committee. He also found from the same authority that the learned counsel of the petitioners did expressly, again and again, urge upon the Committee the propriety of adjourning, in the hope of obtaining the testimony of those witnesses; and it was stated by one person who appeared before the Committee, that within an hour he would be able to give an account of one of those witnesses. Those statements were contrary to what he understood to be the statement of the hon. Chairman. He wished, therefore, when the present question was disposed of, to obtain a copy of the shorthand writer's notes of proceedings on that last day, and, although it was not competent for him to move for the speeches of counsel, he might move for the Minutes of the applications made by them in regard either to the petitioner or the sitting Member. As it was announced that a Commission would be moved for to inquire into this matter, he would suggest a form of Commission different from that which had been adopted on former occasions. It should be composed of Members of the House sworn to deliberate on this particular case, and they might then secure the attendance of the witnesses who had absconded. They could not, of course, review the proceedings of the Committee as regarded the seat of the sitting Member; but he thought that a tribunal should be instituted to inquire into the charge of bribery against the borough. He had no wish to spare the borough, and should

move, as an Amendment to the Motion for a Commission, that it be composed of Members of the House sworn to inquire into the charge of bribery against the borough.

Mr. EDWARD ELLICE had no wish to prolong this discussion; but it seemed to him that a charge was made against him, of which it was necessary he should take notice. He understood that the hon. Member opposite (Mr. Bankes) considered that the Report of the Committee was at variance with what had occurred in the course of the proceedings; and he could not let that charge go forth without answering it. They had met on the preceding day in Committee, to hear any objection that might be urged against the legality of the Committee; but no such objection was formally raised on either side. They asked what course the parties who moved the adjournment wished to take; and they stated that none of the witnesses on whose account the adjournment took place were present. They then asked for a further adjournment. The application was made formally, and the party making it naturally admitted that they were a Committee competent to decide on the question. The Committee took fully into consideration the necessity for further adjournment, and also that there had been an adjournment already for three weeks to obtain the attendance of those witnesses; but, notwithstanding that adjournment, it appeared to them that they were as far from obtaining the attendance of those witnesses as ever. They also took into consideration that some of the witnesses charged with bribery did come before them, and swore they were not bribed; and it naturally struck them that the three persons who were absent would, if they attended, say the same thing, or throw themselves on the mercy of the Committee, and urge that, as they were charged with a crime, the Committee should not ask them to answer questions which would criminate themselves. On these grounds, the Committee thought that it was not their duty to keep the case hanging over the petitioner and sitting Member during the Easter holidays; and that decision was come to by every Gentleman on the Committee, without the slightest doubt of the propriety of what they were doing. He had asked the counsel for the petitioners, whether he was ready to go on with the case. The reply was, he was not prepared to proceed. A conversation then took place, and perhaps the Committee ought not to have it allowed to proceed, but ought to have cleared the room when the case was closed; but a discussion took place, in which, as he had stated on a previous occasion, no formal objection was made to their legality; there was certainly an objection suggested, but the nature of that objection was not stated. Under these circumstances, he felt he was borne out in the statement he had made, that no formal objection was made before that Committee as to its legality as a Committee.

Mr. BANKES begged to express his satisfaction at the statement that the hon. Gentleman had made.

Question, "That the words proposed to be left out stand part of the Question," put, and negatived; Words added; Main Question, as amended, put, and agreed to.

Mr. AGLIONBY said, that warrants had been issued against the three persons mentioned. The question was, whether, for the purposes of justice, it would not be wise and proper to discharge the warrants against those persons who were not in custody, at all events? If the warrants were not discharged, he would take for granted that the parties would keep out of the way, consequently they could not be brought before the Commission, where their evidence might establish a case of bribery; but if, on the contrary, the warrants were discharged, and the parties were allowed to go home, they might, under a Bill of Indemnity, give evidence, and so further the ends of justice.

Sir G. CLERK thought it impossible to agree that witnesses who had absconded the moment a Committee had finally reported, should be freed from the consequences of their having absconded. He would call the attention of the House to the course that had been adopted in the Ipswich case, and suggest that, before any step was taken, sufficient lapse of time should be allowed for the execution of the warrants by the Serjeant-at-Arms. That officer should be called upon to state what steps had been taken, and if it appeared that his officers had used all due diligence in their power to execute the warrants, the House should, as on a former occasion, address Her Majesty to offer a reward for the apprehension of the parties. Perhaps it would be as well that no steps should be taken until the House reassembled after the recess; but if the parties had not then surrendered themselves, that would be the proper course to take.

Lord JOHN RUSSELL did not think it would be according to precedent for the Crown to offer a reward until addressed for that purpose by the House. The House might address the Crown, and then the Crown might offer the reward.

Resolved—

"That Henry Edwards, having been guilty of a breach of the Privileges of this House, be committed to Her Majesty's Gaol of Newgate, and that Mr. Speaker do issue his Warrants accordingly."

THE KAFFIR WAR.

Mr. ADDERLEY presented a petition from several persons connected with the Cape of Good Hope, praying the House to recommend to Her Majesty to appoint a Commission to proceed to South Africa, and inquire and report as to the best mode of adjusting the relations between this country and the Kaffir tribes. That petition was signed by several of the leading merchants connected with the Cape of Good Hope in London; and be believed, from the information he had received, he might safely state that if there had been more time almost every merchant connected with the Cape in London would have signed it. It was not only signed by those merchants, but it was also signed by an individual whose signature conveyed more weight to it than the signatures of all the merchants who had signed it. That was the signature of a gentleman who was delegated from the Cape of Good Hope to represent the grievances of the colony to Her Majesty in England. Whatever might be considered of that gentleman's character it mattered very little; for a man who had filled the position he did in troublous times must have many enemies as well as friends; but at all events it was certain that this gentleman represented in this country (as he could prove by written documents) the opinions of at least nine-tenths of the whole electoral body which was proposed to be formed in the Cape of Good Hope. He was the organ of at least nine-tenths of the future constituency of the Cape of Good Hope. The petitioners stated that at this moment the Colony and its Government were in a most dangerous predicament, and they prayed Her Majesty to send a Commission to the colony to inquire and report upon the best mode of removing the causes of complaint. He had been asked to represent the feelings of the colonists, and to lay their case before the House. He felt the duty he had to perform was of considerable importance, and he was fully impressed with a sense of the responsibility of the task he had undertaken. But he would not shrink from stating plainly, and he hoped shortly, their case. He threw himself upon the consideration of the House, and claimed their attention and indulgence while he made that statement. He appealed to the House to consider the question gravely, and not to look at it at all as a party question. He hoped they would calmly and temperately consider the very serious case he would lay before them. At that moment there was no such thing as a Government at the Cape of Good Hope, nor had there been a Government there for the last two years. The Governor and Council—or the Governor he should say, alone, and not the Council, for the Council had not been filled up for a year and a half—the Governor was obliged to act on his own responsibility. He had not been able to get the estimates or votes of supply, and he had been obliged to bear the expenses of the Government upon the pressure of the case; there was also a dangerous war on the frontier, and it appeared that the policy of this country with reference to the native tribes on the frontiers of the colony had utterly and entirely failed. There were two propositions before the House with reference to the state of the colony: there was first the proposal which he (Mr. Adderley) had the honour to make, and that proposition was, that an inquiry should be instantly made, and that the object of the inquiry should be to put an end to the present policy which this country maintains towards the Cape of Good Hope; to get rid of the responsibility they assumed, without having the power to discharge it; to wind up altogether the outstanding engagements, treaties, and agreements, which Her Majesty had entered into with the tribes and settlers at the Cape of Good Hope, in order that with the concession of a representative government, the Cape of Good Hope might take upon itself the responsibility of its own defence in future. That was the object of the inquiry which he proposed, and he proposed to make it by Commission, such as was sent out there in 1827 with the same object, while Lord Charles Somerset was Governor of the Cape, and Earl Bathurst was Colonial Secretary. That Commission was entirely identical with the Commission he now proposed to send out to the same spot, and was a precedent to act upon. The next proposition was the proposition of the noble Lord at the head of the Government; the noble Lord thought, with him, that some inquiry was necessary—as head of the Executive he acknowledged that the Executive was at a dead lock—and the noble Lord came to the House for information and advice how to proceed; but the noble Lord's object and purpose in making an inquiry was very different from his (Mr. Adderley's); the purpose of the noble Lord's inquiry was not to put an end to the present policy, but, on the contrary, to remove obstructions from the present policy that it may go on again. That was a different purpose and object from what he (Mr. Adderley) proposed, and he had observed the great difference of the noble Lord's proposal from his own, when the noble Lord took out of his hands the notice he had given of a Motion for a Select Committee, by his omission from the notice of the words "definitive adjustment," showing his object to be an inquiry into the relations between the native tribes and the Government of this country, to discover the causes of disturbance, and to enable them to proceed again with the original policy maintained there. The idea of the hon. Gentleman the Under Secretary of the Colonies of that policy had been expressed the other day; his idea was that the colony must be retained by the retention of their present military system, and that he (Mr. Adderley) considered a very grave responsibility resting upon them, without really any effectual means of discharging that responsibility. The noble Lord's taking the same view of the case showed this inquiry was to be made to enable him to proceed with the same military system of maintaining the authority of England over this colony. How the noble Lord should wish for such an inquiry he could not tell, for it seemed to him that if the noble Lord was already in possession of sufficient information to initiate this policy, he must certainly be in possession of sufficient information to go on with it at present, if he were so determined. The difference of the noble Lord's proposition from his (Mr. Adderley's), however, not only consisted in the difference of purpose and object, but also in the mode of his inquiry. The noble Lord proposed, instead of a Commission, that a Select Committee should be appointed; and he would beg of the noble Lord to observe, that a Select Committee, such as he proposed, would consume a considerable time. There was no doubt that before such a Select Committee there would be laid the theories of half a dozen different kinds of men, and there would be presented to it half a dozen different views on the subject. The amount of the information laid in the year 1827 before the Aborigines Committee, which now fills two folio volumes in the library of the House, would be repeated all over again; they would have to receive the opinions of philanthropical men, financial men, military men, and economists; and the length of their labours would be such that at their termination the object in view would be entirely lost. He now begged to read a letter which he had received from a gentleman residing at the Cape, showing the danger of delay. He says—

> "The fact is that parties are forming in the colony, and here is a ground for immediately constituting a Parliament at the Cape, which might restore good feeling between the colonists and Her Majesty's Government. Delay will beget party, and certain want of confidence in the sincerity and good faith of the British Government. There is yet time for repressing these evils, by appointing a Commission of Inquiry. But if the next steamer leaves this country without certain intelligence of either, the opportunity will be lost never to return. If we knew what Lord Grey has done, we might be able to say what should now be done, that is, instantly, for the loss of a single month may be the ruin of the colony. The commission should be similar in character to that appointed in Lord Charles Somerset's time."

There was a third proposition, which was to be brought before the House by the hon. Baronet the Member for Southwark; the hon. Baronet thought that this country neither needed nor ought to institute any inquiry, as he wished to throw the whole responsibility of the past policy on the Executive here; but it should be considered that the Executive had confessed its inability to act practically; and therefore that proposition threw the responsibility of our own past policy on the colony. That was scarcely consistent with the justice, honour, and dignity of this country. After this country had framed a policy of its own, which indeed had caused infinite disturbance and confusion on the spot, this country was bound in honour to wind up and finish that policy before it threw on the colony the task of instituting a new policy. It appeared that, if they were to set the colonists by the ears amongst themselves, and with the tribes around them, and then assume Jove's attitude of contemplation while the colonists struggled out of the difficulty they had put in their way, they would be playing a part that was very cruel and unjustifiable. He begged to read to the House an extract from the work of Mr. Forrester upon the Cape of Good Hope, which was very material in considering the point to which he (Mr. Adderley) was referring, namely, that this country could hardly with justice throw at once upon the colony the task of framing a future policy without making an arrangement to get them out of the difficulty which the policy of this country had created. Mr. Forrester says—

> "It certainly is very easy to say, 'Finish this war, and then throw at once all future defence on the colony.' But the Dutch defenders will say, 'Who disallowed the ordinances for the organising of our old burgher militia for frontier defences, and substituted an English military system?' Frontier settlers, English and Dutch, will say, 'You have both carried on aggression, and destroyed our system of defence. Put us back where we were before you leave us?' Cape Town will say, 'You have assumed new positions and policy, and established sovereignties independent of our colony; you cannot leave us to defend your work. Clear away your work, and we will make a better arrangement.' Boers at Natal will say, 'We are emigrants sent out and located by you.' Tribes at peace will say, 'What becomes of the treaties you have made, and forced upon us? You accuse us of breaking treaties. What are you doing?' Military villagers will say, 'Your policy has placed us old used-up soldiers in dangerous front of a system of military colonisation; you are bound to defend us or put us back in safety; for, to say the truth, though you put us here for your defence, there are no people more defenceless.' The state of the native question has been the work of the Imperial Government. To take away the troops without first establishing a new native policy, which might be maintained without our troops, would be a monstrous cruelty."

That was the objection which he had to the hon. Baronet's proposition; but at the same time he must say that, although it was objectionable in point of justice, it was, at all events, an effectual proposition; and if he (Mr. Adderley) were not able to carry his own proposition, it was one he would prefer to the proposition of the noble Lord at the head of the Government. He (Mr. Adderley) would now very shortly defend his own proposition, and would state the circumstances that rendered an inquiry necessary, The circumstances were these: an apparently needless and hopeless recurrence of native wars on the frontier of the colony, equally destructive to the lives, liberties, and prosperity of the colonists themselves, keeping up a state of hostility with the native tribes, and ending neither in their civilisation nor subjugation, and causing enormous waste and extravagance to this country, and great perplexity to the Imperial Government. There were two main grounds for the existence of this state of things: the first was that this country had, for some reason or other, continued up to the present time to postpone the period for giving a representative government to the colony, and their promise on the subject remained yet unfulfilled; the other main point of their policy was, that it was marked by vacillation; there was a perpetually irritating system of vacillation in their frontier policy. Those were the two main features of their policy that had caused the disturbances in the colony. With regard to the concession of a representative government, he hoped their policy was in process of change, and that their intentions would not be much longer obstructed by officials on the spot. The refusal of the Government to lay on the table of the House papers and correspondence he had repeatedly asked for, compelled him to delay the discussion of the question of a representative government. It appeared to him useless to bring forward the question until he got the papers. It was only on one point that information respecting the colony had been laid before the country, though not before the House, by means of a *quasi*-official communication that had appeared within the last few days; he meant the publication of the leading articles of a new paper called the *Monitor*, which was a Government organ, printed at Cape Town. That paper very clearly showed, and unblushingly avowed, that it was the determination of the officials at the Cape to counteract and thwart the intentions of Her Majesty's Government, and prevent them from being carried into effect. In this publication it was said—

> "Since the real feeling of the colony has been fairly represented by the *Monitor*, opinion is growing daily amongst persons of influence, that we are by no means in a position for two elective Houses. But now, if the colony is to be saved, we must not talk of elections. One prompt and determined step must be taken, and that step is a temporary return to our form of government in 1836, viz.—a governor, and executive council, with legislative powers. This, and this only, will save the scenes exhibited in Canada in the years 1839 and 1840, from being transacted here. This will be justice to English loyalty, Dutch interests, and to Negro, Hottentot, and Fingo. This, in a word, will inspire confidence to our flagging commerce, respect to British prosperity, and peace and prosperity to all."

The colony wanted a Representative Government; but the intention of this country with respect to conferring it on them was counteracted on the spot, and they were prevented from getting it by the leading Members of the Government there. He would not say more on this subject of the constitution, but should hope that Her Majesty's Government would rather stand by their own enlightened intentions, than by the selfish prejudices of their officials on the spot, who desired to obstruct their intentions, and induce them to neglect the universal remonstrances of the colony, which were not safely to be trifled with. The hon. Gentleman the Under Secretary for the Colonies had talked the other day of the invariable policy of encroachment in the colony; but he (Mr. Adderley) wished to correct his views, and to show that the policy of encroachment was not an invariable policy, and that the fault of their policy was rather its perpetual change and vacillation, than its constant encroachment. In the history the hon. Gentleman gave, he omitted an important interval in which that policy was reversed. Whatever might be said of the policy of Sir Andries Stockenstrom, during ten years at least there was a longer peace than had ever been known in the Cape colony since this country had been in possession of it, Kaffir wars having succeeded one another generally in quinquennial intervals on an average since they became possessed of the colony. The hon. Gentleman (Mr. Hawes) alluded first to the great ceded territory of Sir Rufane Donkin; then he referred to the neutral territory of Lord Charles Somerset; then he alluded to the ceded territory of Sir Benjamin D'Urban. After Sir Benjamin D'Urban there was a reversal of that policy, until the old policy began again under Sir George Napier and under Sir Henry Pottinger, and more largely than ever under Sir Harry Smith, who conducted it on a scale that eclipsed the former proceedings, taking about 30,000,000 of acres of fresh territory into his hands at once. What he (Mr. Adderley) wanted to call the attention of the House to was the vacillating policy to which the Kaffir tribes were invariably subjected, throwing them first backward and then allowing them to occupy their country again—a policy which was neither subjugative of the Kaffirs on the one hand, nor humane nor conciliatory towards them on the other. With regard to the manner in which Sir Harry Smith carried out those gigantic encroachments, he would call the attention of the House to a few facts. The hon. Under Secretary for the Colonies had said that it was not fair generally to accuse an absent man, especially an absent governor, in time of war. He (Mr. Adderley) wished the hon. Gentleman had acted upon that advice with respect to the case of Lord Torrington. That noble Lord, in his speech in the House of Lords the other day, said that Her Majesty's Ministers, when once a Committee had been appointed to investigate his mode of governing Ceylon, whether his conduct were defensible or not, should instantly and at once have recalled him from the spot, where his government *sub judice* could only be prejudicial to the colony. The principle involved in that case was applicable here. Immediately on his arrival in the colony, Sir Harry Smith, with the full recollection of his former military exploits in India in his mind, and the scenes of former exploits under his eye, mapped out fresh territory for conquest, and took the leading natural boundaries of the country for his limits. He called the chiefs together, and told them he was going to lay down a new frontier line. Some of his more cautious advisers remonstrated with him, and reminded him of Sir Henry Pottinger's promises, which had just been made to the Kaffirs. Sir Harry Smith replied that he had a plan of his own, and proceeded, in the presence of the chiefs, to tear up the existing treaties; he then placed his foot on the neck of one chief and threatened to hang another, and proceeded to frame a new treaty, of which his side was to have the sole advantage, whilst the other side was simply to be deprived of a considerable portion of territory. He then proceeded to divide the new territory, partly into new provinces, and partly into military commissionerships a wholly new kind of government. At the end of 1849 he reported to Earl Grey that his new commissionerships were in a perfectly tranquil and satisfactory state. His plan of military colonisation, he said, was proceeding satisfactorily; his Kaffir police had answered; his Kaffir apprentices, and indeed the whole system of his commissionerships, were successful beyond his most sanguine hopes. It was not until October, 1850, that he reported home for the first time the existence of what he called the restlessness of Kaffraria. That was one of the new commissionerships. But it was singular that the colonists knew nothing about how that commissionership was administered, what were its limits, or how the public money connected with it was raised or expended. Her Majesty knew nothing about these matters any more than the colonists, and he did not think Her Majesty's Government themselves had shown any knowledge of what was going on there. Sir Harry Smith stated that the two main causes of that restlessness were starvation, and the influence of wizards. But did that starvation result from any other cause than the restrictions imposed on the territory which was the sustenance of the native tribes; and did the influence of those wizards spring up from any other circumstance than the daily increasing antipathy which those tribes felt towards British rule? What were his remedies for these two evils? As to the starving chiefs, he proposed to depose some of them, and to pension others; as to the wizards or prophets he said he could throw them away with ridicule. To depose a chief was impossible; he was just as much a chief in prison as out of prison; while to pension a rebel, was to secure not his allegiance but his contempt. It would be better to shoot the prophets, as Lord Torrington did, than to ridicule them. In the history of the world he had never met with an instance in which a national superstition had been put down by ridicule. But when the summary process of deposition was sought to be executed in the case of Sandilli, Sir Harry Smith in a moment found the tables turned, and that the whole province was up in arms. The whole policy of Sir Harry Smith failed in an instant, and the Governor found himself a prisoner amongst his own subjects. It was indeed astonishing how utterly deceived the Governor had been; and if the House would bear in mind that Lord Grey would take information relative to the colony from no other quarter than Sir Harry Smith, they would be able to understand how little he was likely to know of the state of the colony. Information came to Earl Grey from every quarter of the colony, warning him as to the designs of the native tribes; but he seemed to rely most, if not exclusively, upon the despatches from the Governor. A gentleman from the Cape, now in this country, the other day told him (Mr. Adderley) that he sent a warning to Sir Harry Smith, who, in consequence, requested an interview with him. At that interview Sir Harry Smith told that gentleman to mind his own business, and that he (Sir Harry Smith) was capable of understanding his. Did the House for a moment think that a local representative government would have been so far deceived as Sir Harry Smith had recently been? If there had been a representative government in the colony, it would have been utterly impossible for recent events to have happened there without the local government having been warned of them. He would not trouble the House by entering further into the sequel of the history; but he would state that at this moment the Kaffirs were in possession of almost the whole of one side of the colony, and that Sir Harry Smith was as much a prisoner as ever, with this difference, that he was now a prisoner with 5,000 troops at his command, instead of the comparatively small force previously at his disposal. How could the Under Secretary for the Colonies say he thought the insurrection a matter of very little importance when he knew that the Governor was unable at this moment to move out of the fort of King William's Town? Sir Harry Smith still talked of the fidelity of Pato and some other chiefs; but Pato was only shamming, as in the last war, and was biding his time to take the side of the strongest. The massacre of the six military villages, filled with people unable to defend the colony or themselves, must be a painful matter to Lord Grey, who had placed them there to illustrate a raw and immature experiment; but it was to be feared more blood would be yet shed in a similar way, for Lord Grey was not cured of this love of experiment. Let it be borne in mind by the House, once for all, that this was a very serious war, and that it was not likely to be so easily put down as the hon. Under Secretary for the Colonies seemed to think. The main point to bear in mind was that this was not a mere war of plunder, but a war for the recovery of lost territory. It was not a war on the part of the native tribes against the colonists, but one on the part of those tribes against the British rule. Sir Harry Smith had not to fight against the Kaffirs, as the Governor of the Cape, but in his capacity of High Commissioner of British Kaffraria; and the real wizard who excited all this confusion was Sir Harry Smith himself. He (Mr. Adderley) believed at this moment that the whole colony was weary with each successive system of government failing one after another, and that they longed to be trusted with the management of their own local affairs. They believed also, if they could obtain the ear of the Queen, that the whole system of governing the colony would be changed. He (Mr. Adderley) wanted simply to put an end to that system, and to remove the management of the colony to the shoulders of the colonists themselves. It was a system which tended neither to the complete subjugation of the native tribes, nor to their civilisation through the medium of our institutions. Sir Harry Smith had destroyed the authority of the chiefs, with the idea that he could place himself in their position, and in that way introduce British laws and institutions. Calling himself the father of the tribes, he had required them to give up their old customs—such, for example, as polygamy—and had tried to introduce British customs in their stead. The authority of the chiefs had been destroyed, as Lord Grey had pointed out; but Sir Harry Smith had not succeeded in substituting his own. The system of Sir Harry Smith, if fairly carried out, would be eminently effectual, because in that case it would be a system of extermination; but he knew this country was too humane to carry out such a system to its legitimate results. Another system was to recognise the rights and nationality of the tribes, to preserve intact their laws and institutions, and to raise them through the medium of the inevitable and irresistible example of civilised neighbourhood. Any policy which went between those two systems must fail, unless it fell into the hands of some man of genius, who could carry out his system simply through the force of his own genius. Lord Grey, in one of his despatches to Sir Harry Smith, said—

> "It is not enough that this alarm should pass away, we must sift the causes of discontent. We have relaxed and broken up the ancient ties of dependence to chiefs. The people appeal to us for help against injustice, and in our assistance we unfortunately break up your authority. This imposes on the British Government the task of supplying the place of that authority. We must not wholly destroy the ancient organisation, but maintain it as much as possible, correcting its abuses, and supplying its defects. This has been my policy since 1847. Make up the loss of authority to chiefs by salaries, and make their people constables with fees. Take away from the chiefs the power of punishment, and impose taxes in the shape of tithes."

Now, could anything be more clear than that it was the intention of the noble Earl to break up the old authority of the chiefs, without replacing it by anything but a mere military policy, which he knew this country was unable to carry out to its own legitimate results? The House knew perfectly well that we must finish this Kaffir war, and that we must pay for it. We could do it, and we must do it. The only thing was this, what would be done afterwards? For the proposal which he (Mr. Adderley) now made to the House, he conceived he had a precedent in the Special Commission sent out to the colony, in the time of Earl Bathurst. He (Mr. Adderley) had great objection to the proposal of the noble Lord at the head of the Government for a Select Committee, because it contemplated the maintenance of our present policy in the colony. The proposal of the hon. Baronet (Sir W. Molesworth) to withdraw the troops at once, was a very effective and simple plan, yet he (Mr. Adderley) thought it was wanting in strict justice to our present policy. He should, however, prefer it to the scheme of the noble Lord at the head of the Government. With these remarks he begged to submit his Motion to the House.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint one or more Commissioners, with instructions to proceed to South Africa, to inquire and report as to the best mode of adjusting the relations between this Country and the Kaffir tribes; and also, of determining the engagements entered into by Her Majesty's High Commissioner in his settlement of the extended territory."

Mr. HUME seconded the Motion.

Lord JOHN RUSSELL: Sir, I rise to propose an Amendment to the Motion of the hon. Gentleman. The hon. Gentleman, at the commencement of his speech, stated very fairly that this was not a party question, and that he did not wish to treat it in a party spirit. I own I could have wished that the hon. Gentleman had kept to that line of debate; for, instead of investigating fairly what might be the merits of the case, and what were the remedies necessary to be applied, he simply contented himself with finding fault with the policy of Sir Harry Smith and my noble Friend Earl Grey. We ought, I think, to look rather to what are the general interests of the country, and to what has been the history of this Cape colony, with respect to which we have a serious question at issue. Now, on looking back to the history of this colony, we shall find, when the Dutch were in possession of the Colony, they did not confine themselves to the possession of Cape Town, but that they had extended the limits of the colony to a considerable distance, and had gone so far as the limits of the Fish River. In that state we, on our first conquest of the Cape of Good Hope, found the province; and General Dundas devoted all his care and attention in endeavouring to reconcile the interests of the colony with the habits of the savages, who had no other notions of property, than that it was a tempting spoil, on which they could seize if it were left unprotected, and without the possession of it they should cease to live under the rule of their conquerors. After the second capture of the colony in 1805, this question became still more urgent, and I think there was a further extension of the colony about 1807; but, in 1819, there was a proposal made in this House, that 50,000*l.* should be voted for the purpose of sending out emigrants from this country to be settled in the district now called Graham's Town and in the surrounding country. That proposal was very much approved of by this House. It was thought very desirable that persons suffering from the inadequacy of their means in this country should be able to live in comfort in a colony so healthy as the Cape of Good Hope; and, with scarcely any debate, the House agreed to the proposal. The only speech which I believe is recorded, is the speech of my hon. Friend the Member for Montrose (Mr. Hume) on that occasion, who complained that the Government had not gone far enough, and that a further grant ought to be proposed. But, however, there were certainly a number of persons sent out, and the district to which they were sent became, in process of time, a very flourishing district, and the English and Dutch colonists were in possession of a very considerable amount of property. In 1848, it was stated that the export of wool was about 2,250,000 lbs., the value of which was about 143,000*l.*; the annual agricultural produce of the eastern district was valued at 269,000*l.*; the live stock at 2,297,000*l.*; and other fixed property, not otherwise included, at 2,136,000*l.*; making the value of the property in the eastern district altogether to be considerably upwards of 4,000,000*l.* But those persons thus settled—and a great portion of whom had been settled by the direct intervention of the Government, and with the unqualified approval of this House—complained from time to time of the depredations which were made on their cattle; that their wives and habitations were not safe; that the Kaffir tribes made continual incursions into their districts; that their farmhouses were constantly robbed or destroyed, and their cattle carried away, and the members of their families exposed to outrage. Now, it should be observed, that not the Governors of the colonies alone, but the British nation and the British Government, could not be indifferent to such complaints as those. The emigrants of those times had taken possession of the colony from the Dutch, and having had it formally ceded to us by a treaty of peace, it was but natural that the people who were in command of the colony should seek to remedy such evils. Now, the hon. Gentleman must allow me to say that this House is not to be deceived by blaming the officers who happen to be in command of the colony. Sir Harry Smith is a man distinguished for his military services, and one whose acquirements are not inferior to any military commander. It must be known to the hon. Gentleman that Lord Charles Somerset, Sir Benjamin D'Urban, Sir Peregrine Maitland, and Sir Henry Pottinger had all preceded Sir Harry Smith in the government of the colony, and had all, according to their several abilities, though by different means, endeavoured to find a remedy for the serious and very palpable and extensive evils which had from time to time afflicted the colony. One of the observations that was made was, that the frontier of the Fish River had been a very ill-chosen boundary—that it was surrounded by thickets on each side—that savage tribes had come unperceived to the borders of the river—that they got across without being noticed, and that they could make their incursions on the neighbouring farms in the British territory unperceived by the military posts, and that the bad choice of the boundary was itself the great cause of those mischiefs. In 1819, according to those views, the boundary had been extended further to the east than in the first instance. According to the ancient system of the Dutch, there had been a regular organisation for defending the colonists against the incursions which were made for the purpose of stealing cattle, called the *commando* system, which was a system of great rigour, but it was certainly liable to great abuse, and often gave rise to acts of violence. When I had the honour of holding the seals of the Colonial Department, I remember seeing a man who lived on the frontier, and who described that system to me, which was certainly not one which either this country or this House would wish to approve; because if, on the one hand, there were incursions frequently of a very barbarous nature, resulting in the burning and destruction of farmhouses, and the carrying away of cattle; on the other hand, the Boers and farmers were not unfrequently found avenging their losses by dealing with the tribes by whom those incursions were committed without justice or without any observance of those laws of which military commanders were so carefully observant towards those who were found on the territory on which they were in command. It was, I suppose, the knowledge of those abuses that, when the ordinance was sent home for consolidating that *commando* system, led to its being disallowed in 1833 by Lord Stanley, who then held the seals of the Colonial Office. But the observation to which the hon. Gentleman who has made this Motion has adverted, is naturally an observation for the colonies to make: If you say that you do not approve of our manner of defending ourselves—if you think that our mode of resenting those outrages, and our mode of preparing ourselves against future outrages, is attended with inhumanity, and is not consistent with justice to those native tribes—then take care that you give us an efficient defence at your own cost. Either take one system or the other; allow us, if you want to save expense—if you think that the maintenance of the Army, that the maintenance of the friendly tribes on the frontier of the Cape, is too great a drain on your Imperial resources—allow us to frame our own system in the most vigorous and the most efficient way in which it can be framed, and let us put that system into operation without reproach or intimation on your part—that it is not consistent with your notions of justice to the native tribes. But if, on the other hand, you complain that that system is a source of injustice, then give us a defence which you think efficient, and let us be secured according to your own manner, and then don't complain of the expense of that system. Now, I cannot but allow that this statement of the settlers, whether English or Dutch—whether originally founded there before us when we had the colony ceded to us, or whether made by the settlers that went out with our sanction and approbation—is one that carries a great deal of force. Well, Sir, the *commando* system having been dissolved in 1835, Sir Benjamin D'Urban, being then Governor of the colony, had to report that 10,000 Kaffirs had invaded the eastern district; that they had destroyed the farms and villages—that they had swept away everything they had encountered—and that they had converted a flourishing province into a desert waste. Sir Benjamin D'Urban took military measures of great vigour, though with no great regular force, and directed with the ability which he was known to possess, in order to meet the Kaffirs who had just made those encroachments; he was successful, but the *commando* system having been rejected, the evils and inconveniences of the other system began to be felt, and you had the cost of that system. It appears that the ordinary charges for the military defence of the colony in 1834 had amounted to 96,000*l.*; and that during 1835 the extraordinary expenditure amounted to near 154,000*l.* — forming a total charge of 249,790*l.* in that charge; and the estimated charge of the military chest during the year ending the 31st of March, 1837, could not be less than 206,349*l.* Now, I don't think that that was an extravagant expense under the circumstances. Sir Benjamin D'Urban states, that before the war began, the Kaffirs had, between the 21st of December and the 1st of January, murdered every man they could find, burnt 450 farmhouses, carried off 4,000 farm horses, about 100,000 head of cattle, and about 150,000 head of sheep and goats, and left Albany and Somerset a desert. I think this will show the House that the evils with which we have now to deal are not evils either new in themselves, or evils that can be met at once, by declaring that what has been done has been done wrong, and that some other steps must be at once adopted. Sir Benjamin D'Urban carried his hostilities far into the country of the Kaffirs, and even went beyond the Kei river, and severely chastised those tribes who had either themselves led or had encouraged and protected the invasion by the 10,000 Kaffirs; but, he said, if the Government wished to have greater security for the future, it was necessary to extend the frontier; and he proposed that the frontier should be extended beyond the Keiskamma, and he even recommended that the boundary should be beyond the Kei river. Now, here we have a proof that those plans of the extension of frontier are not some green projects of Sir Harry Smith; but that they had been proposed so long ago as 1835, as a means of giving greater security to the Albany and Somerset districts, which, it should always be remembered, were fairly entitled to protection. The Cabinet of that day took this matter into very serious consideration. The authority of Sir Benjamin D'Urban stood very high. The military ability he had shown, and the success that had attended his operations, induced them to give great weight to his representations. On the other hand, it was stated in this country, and stated with great effect on the public mind, that the native tribes had been treated with injustice; that the incursions of the Kaffirs had in fact been provoked; that the European settlers themselves had been the cause of those great outrages that had been committed; and that a new system ought to be adopted, with conciliation, and continual endeavours to act with humanity towards the natives. Lord Glenelg, with the assent of the Government, at length gave his directions that the new province which Sir Benjamin D'Urban had taken possession of should be abandoned, and that recourse should be had to the former frontier; and that, instead of a system of subduing a certain portion of the country, and the tribes inhabiting it, a treaty should be made with the Kaffir chiefs, and reliance placed upon those treaties as a means of preserving the peace of the colony. Sir George Napier went to the Cape not long afterwards, to carry these instructions into effect; and Sir Andries Stockenstrom, a man of considerable talents, and who had great influence with those with whom he came in contact, was appointed to carry out these transactions at the frontier, and to conciliate as far as possible the Dutch settlers, whose confidence he possessed, and the native tribes, by whom he was respected. There were, however, from that time forward (though not immediately open war, since the success of Sir Benjamin D'Urban had been so striking and remarkable)—there were from that time continual complaints of the colonists' cattle being stolen, and there were constant incursions made (and supposed to be favoured by the chiefs, though continually disavowed by them), by which the colonists lost much of their property, and were put to much trouble and expense in trying to recover it. Sir George Napier went more than once to the frontier, to stay the chiefs, and oblige them to pay greater observance to the treaties to which they were parties. However, it was not finally found that this system, any more than the one to which I before alluded, procured permanent peace to the colony. In 1845-6, during the time

Sir Peregrine Maitland was Governor, a fresh war arose, which appeared more dangerous and extensive than any that had gone before. Sir Peregrine Maitland described the circumstances of that war; and in parliamentary papers delivered from time to time will be found his account of the first apparently trivial disturbances, and afterwards more aggravated occurrences, that led to the war. It appeared that, in the first instance, the Kaffirs rebelled, not at all on account of any incursions made, or invasions of their rights attempted, by the colonists, but because the British authorities, in a part of the British colony, had proposed to punish a Kaffir guilty of an offence against the laws. A party of Kaffirs was sent to rescue the prisoner, and it was found that the attempt was not an insulated enterprise, but was suggested and prompted by one of the chiefs. Sir Peregrine Maitland, when he went to the colony, had, there can be no doubt, the most benevolent intentions towards those native tribes; and all his connexions and associations would lead him to adopt that opinion, which had been taken up by the missionaries especially, that our wars were owing to our want of conciliation. But in the address he wrote to the inhabitants of the colony, he bears remarkable testimony to the conduct of the colonists from the time I have mentioned:—

> "Frequent attacks have been made, and the depredations recently have assumed a more audacious character, the reason being that the party in Kaffirland who prefer war to peace without plunder, have gained an unfortunate ascendancy. So far as the rising could have been provoked by any one act of violence or injustice committed by the colonists on the Kaffirs, it is without excuse. Certainly, no Kaffir can charge the colonists with one such act during the last seven years. It is with pride and pleasure I make this statement, which I believe to be accurate to the letter."

Now, I think the House will believe that Sir Peregrine Maitland would not have made that statement without having the fullest assurance that he was doing no injustice to the Kaffirs in stating that there had been no act of offence on our part, but that the war had arisen by reason of the preponderance of the party in the colony who preferred war to peace without plunder. This war continued for a considerable time, and was more costly to the Treasury than the wars which had previously arisen. Sir Peregrine Maitland and afterwards Sir Henry Pottinger carried on the war with the success which had attended former wars, and ultimately the Kaffirs were completely defeated. Sir Peregrine Maitland then had to consider what was to be done to secure the colony from similar depredations. And what he recommended was, that the frontier should be extended to the Kei river, and that the Kaffir tribes should not be allowed to come within the district adjoining the British territories, which should be colonised, if possible, by friendly tribes. Sir Henry Pottinger took a view not very dissimilar. My noble Friend Earl Grey, at the same time, gave instructions to the same effect, saying that, if possible, it would be well to govern the Kaffirs through their chiefs, by obtaining their co-operation in discountenancing practices abhorrent to British feelings, and by endeavouring to improve the moral habits of the Kaffirs, so as to obtain a healthy ascendancy over them, and at the same time preserve their allegiance, and maintain peace. Sir, the hon. Member opposite (Mr. Adderley), among others, thinks that the Kaffirs should be left without control. But there are practices which belong to those tribes, with which the British dominion has never been able to assimilate; for instance, that to which the hon. Baronet (Sir W. Molesworth) referred the other evening with some species of pleasantry—the practice of witchcraft. It is a custom among these tribes, if they see a man flourishing and becoming wealthy, to have him accused of witchcraft by some accuser, easily discovered, and to put him to death, in order to divide his property. These and other instances of murder and confiscation could not occur in a colony under the immediate eye of the British Government, without meeting their reprobation, and their attempts to put down practices so revolting to humanity. Earl Grey, Sir Peregrine Maitland, and Sir Harry Smith have all endeavoured to put down such practices; but it was not attempted at all to destroy the authority of the chiefs; on the contrary, it was the chiefs who were looked to as the means of governing the natives under them. Sir Henry Pottinger laid down very ably and in detail a plan by which the colony might be secured from these wars; and, as those who had gone before him, he thought that the frontier ought to be extended to the Kei river; and that we could not safely adhere to the boundary of the Keiskamma river. Sir Harry Smith has been accused of despotic habits of government, and almost of tyranny and cruelty. But I have seen objections made against him very different—that he behaved with too much lenity on some occasions. One letter I have seen stated that, had he secured Sandilli, and sent him to a convict settlement, or imprisoned him, or even hanged him, instead of setting him at liberty, the colony would not have been in such danger. He has been also accused of placing too much confidence in these Kaffir chiefs, and with not distrusting them, and putting them under restraint, or bringing them to trial for their treacheries and ill conduct. I admit, Sir, that he was deceived in his anticipations as to Sandilli, and that he believed that no insurrection was intended, and that he did not expect the war would take this character. But that he was not unaware of circumstances of danger existing, is clear from his leaving the Cape, and writing to say that the circumstances of the frontier required his presence to meet danger he apprehended. He did not certainly expect that it would assume so formidable a shape as it has assumed; and numberless instances show that men of great talent have been surprised by the breaking out of insurrections they might want means to prevent. He had, as was well observed the other evening by the hon. Gentleman the Under Secretary for the Colonies, the able assistance of Colonel Mackinnon, an officer well acquainted with the frontier and with the whole of the district, and capable not only of assisting him in the field, but of giving information as to what was to be done after the war had broken out, so similar in character to several other wars of which we have had to encounter the cost, and the colonists the peril. There is one circumstance, however, to be remarked, that we do not hear, as in 1835, that a large body of 10,000 Kaffirs has broken into peaceful and settled parts of the colony, but dangerous hostilities are carried on more at a distance from those parts of the colony. So far, we have gained by the measures which have been carried. But undoubtedly there are further measures to be considered, and these further measures, I think, ought to be considered most dispassionately, with reference to the engagements into which we have entered, and as to the promise of protection, which on taking possession of the Cape during the war, and having it ceded to us by the treaty of peace in 1815, was implied on our parts, with reference to the safety of the settlers, and the well-being of those tribes of men who belong to the territory, whose interests ought, if possible, to be protected by us. In considering that question, I think we cannot say, as the hon. Baronet (Sir W. Molesworth) said broadly, the other night, that "we will let the colonists have a free constitution, and then take their own course, and let us not be at any expense for the future." I am fearful, Sir, that, if we took that course, we should be responsible for an immense amount of bloodshed, for a dreadful civil war, for a war of races which would immediately take place in the colony, while we should be looking on, nominally as governors and protectors, but in fact the contented spectators of scenes of murder and of rapine which it would be revolting and horrible to contemplate. Dismissing then that alternative, there come other questions which, I think, may very fairly be considered with reference to this subject. We may consider the plan which was adopted by Lord Glenelg and the Government of Lord Melbourne—that of endeavouring rather to restrict than to extend the frontier, and to make treaties with the native tribes in the hope that they will observe those treaties. I should remark that this plan has been fairly tried by men who wished it every success, but that its success has not been commensurate with the benevolence of the project, or the abilities, the care, and the zeal of the men who were selected to carry it out. Then comes, lastly, the plan which has been adopted, on the advice of Sir Benjamin D'Urban, of Sir Peregrine Maitland, of Sir Henry Pottinger, and of Sir Harry Smith—that of extending the frontier to the borders of the river Kei, where we may have military posts to observe the incursions of the savage tribes who may seek to infest the colony; endeavouring, under the best system that could be devised, to reduce the tribes within those limits; and, at the same time, having scattered through the colony a train of forts as places of security for any military force employed. Sir, my opinion is that this system, after all, with its hazard and its expenses, is most consistent with security on the one hand, and humanity an the other. I think that, in point of security, it promises better than the plan of restricting the frontier; and that, in point of humanity, it is better than the plan of leaving the native tribes to fight with each other to determine which is the strongest. That, then, is the plan I should feel inclined to adopt. But at the same time, as it is a plan which has now thrice—in 1835, in 1845, and in 1851

—been tried, and has caused great military movement and large expenses, I think it right that the House of Commons should delegate to a Committee the task of obtaining all the information it can upon the subject, and giving their opinion to the House whether it is a plan upon which the Government ought to proceed. Hitherto they have proceeded upon it according to the best authority they could obtain on the subject, and I do not think that a Government can do better than appoint the ablest men they can find, and the fittest for the duty, and to take their reports, after much consideration, and after consulting with others in the colony as to the state of affairs there. But I think that the Committee should consider the course which has been thus adopted, always assuming that the first thing to be done is to give Sir Harry Smith the reinforcements he may require to enable him to meet all dangers. I think it would then be advisable that he should have some assistance in endeavouring to settle and pacify the colony. I am now supposing that he may, by military movements, have again to subdue the natives. There are persons in the country perfectly able, from their own immediate knowledge of the colony, to be of great assistance in treating with the Kaffirs, and arranging the mode in which they are in future to live, and their relations to the colony and to British authority. If this House should appoint a Committee, the views of the Government will of course be stated fully to that Committee, and it will be then for them to consider, dispassionately—as a great question which concerns the interests of the empire, and not as a question concerning the person who may be at present Governor of the colony, or who may at present hold the seals of the colonial department, but as affecting the great interests of the empire—it will be for them to consider whether the policy pursued be sound; or whether, if it be not, any better policy can be adopted, likely to lead to more beneficial results. The Committee will spend its time better in that way than by endeavouring to ascertain whether Sir Harry Smith was wrong in a certain proclamation, or at a certain interview, or whether Earl Grey did right in receiving certain communications with approval. It is with this view, therefore, of recommending to the House to appoint a Committee, that I shall in the first place move the Amendment. The House might be of the opinion that, instead of the plan the Government proposes, and instead of sending assistance to Sir Harry Smith, there should be sent a separate Commission to the colony, as the hon. Gentleman (Mr. Adderley) proposes. They may come to that conclusion; but I think it will be premature to decide such a question, and think it far better that the whole question should be placed before the Committee, before adopting that suggestion. I therefore move the Amendment of which I have given notice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed, to inquire into the relations between this Country and the Kaffir and other Tribes on our South African Frontier'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. VERNON SMITH said, he should certainly escape one imputation which the noble Lord at the head of the Government had cast upon the hon. Member for North Staffordshire (Mr. Adderley); for so undeniably impartial was he (Mr. V. Smith) that he objected both to the hon. Member's Motion, and to the noble Lord's Amendment. His idea was that the subject was entirely one for the Executive. He objected to a Commissioner being sent out, while there existed a Governor in the colony. The appearance of a Commissioner must cripple his authority, and weaken the control which he ought to possess over the colony. The natives were quick enough in discernment; and the moment the Commissioner appeared, the Governor would be considered as superseded, and the measure would be regarded as one of obloquy on Sir Harry Smith. Therefore, in this case as in that of Ceylon, he should oppose a Commission being sent out. He also objected to a Committee of Inquiry, because he could not conceive what course it was to pursue which had not been already, or might not as well hereafter be, pursued by the Executive, and as to which the Government did not possess better means of information. His noble Friend (Lord John Russell) said, "Put aside all question as to whether Earl Grey or Lord Stanley was in office;" but if a Committee were appointed, the very first persons to be called would be those very Gentlemen whose opinions the House was thus expected to put aside; for the Secretaries of State must of course be called to know what they thought, and to afford whatever information they possessed. And when his noble Friend said there were persons in this country capable of giving information, he confessed he had misgivings; for though he knew one or two persons able to give information, he too well remembered that in the Committee on the Military Estimates it was found, practically, a very difficult and delicate thing to say, "such a superior officer failed to do so and so," or, "such a civil subordinate incurred extravagant expenses," and so forth; and, in fact, he had found on that Committee, and on this very subject, that a person was able to give information, yet at the same time most unwilling to do so. Nor did he doubt that similar would be the result of this Committee. Conceive a Committee considering the question of the frontier line, for instance. Why, were there fifteen Members in the House who had sufficiently studied the map of the Cape colony to be able to give an opinion as to where the frontier line ought be drawn? It was impossible practically to separate this Motion from that of the hon. Baronet (Sir W. Molesworth); for the Cape of Good Hope was a sort of sample to prove or disprove the proposition of the hon. Baronet; and though the hon. Baronet had wandered "the wide world over" in his able speech, he had dwelt with more emphasis on the case of the Cape of Good Hope, which was certainly a remarkable specimen of our colonial system. Now, his noble Friend had admitted that every plan of policy pursued since 1816 had failed. [Lord John Russell: Not exactly.] To a certain extent, I understood my noble Friend to say that the systems pursued had been unsuccessful; and, certainly, his own Amendment implies no eulogy upon Sir Harry Smith. The truth was, there must be a complete reversal of policy. That was Sir Henry Pottinger's opinion, who had written this remarkable sentence: "Instead of adding to, I would gladly retrench, the limits of the colony." In 1819, Mr. Vansittart had proposed to send out emigrants. Yet had the colony ever been a favourite one for emigration? No: on the contrary, it was astonishing to see how few went there, considering its great advantages—only about 700 in a year. His noble Friend said these persons were to be protected. But how far was that doctrine to be carried out? Would it apply to every man who settled in any distant spot on the face of the earth under our protection? Was military protection to be given to those who cared not to afford it to themselves? Because he could prove that the Cape colonists had been extremely unwilling to advance money even for their own protection. They depended on our military detachments, and as long as these were sent, they would continue to do so. It had been said that they had upwards of 4,000,000*l.* worth of property to be protected; but here there appeared to be a discrepancy between the statements of the noble Lord at the head of the Government and those of the noble Earl the Secretary for the Colonies; for while the noble Lord seemed to consider every reduction of force as equivalent to the dismemberment of the empire, the Secretary for the Colonies had been writing intimating the withdrawal of forces from all quarters, and had even written to Australia to tell the colonists that they must endeavour to defend themselves. Accordingly, the Governor of that colony had told the colonists that if they had an amount of property, they should spend some of it in defending the rest. And why should not the Cape colonists be told in the same way, if they had accumulated 4,000,000*l.*, to spend some of their money to protect their property? Yet Sir Henry Pottinger stated, in a publication which was issued at Graham's Town, that, though he had offered the burghers liberal terms for serving in the force to protect their own property, they had deserted their duty, and returned home within a month; notwithstanding which, such was the system pursued that rations were served out to them after their desertion; and at one time it appeared that the whole population were receiving rations, and that by some mistake women received four ounces more meat than men. Why now, could English workwomen, who paid for these wars, obtain such rations and allowances? The system of expenditure, in case of a war in that colony, was most extravagant—although to some extent necessarily expensive. He saw many Gentlemen who had been on the Army Estimates Committee, and who were aware of the difficulty of controlling the Commissariat. Surely, if such were the expenses of a war in the colony, the utmost care should be exercised to avoid it. It was a notorious saying in the colony that the war would last as long as the expenditure went on, and would begin to end when the expenditure declined, or, as the phrase was, "when the price for the hire of waggons fell." The report of Sir

Henry Pottinger—he did not know whether it was at yet placed in the hands of hon. Members—was one of the most conclusive documents he had ever read respecting these matters. Speaking of the Katt River settlement, which was supposed to be a pattern settlement, it says—"The truth is, the whole affair, from beginning to end, is a most transparent humbug, which was got up to serve an intrigue." He (Mr. V. Smith) should like to know whether any Committee or Commission had been appointed to inquire into the expenditure of the late war, or the charges which had been preferred against the British Army, when the whole system which prevailed there was designated as one of entire corruption and peculation; or, if the petition for inquiry of an hon. and gallant Officer who denied the assertion and prayed for an inquiry, had been acceded to. Sir Henry Pottinger declared that there had been no Commission of Inquiry—no audit of accounts; and our own auditor declared that the accounts were in such a state of confusion that it was impossible to investigate them. The accounts so remained, and now another war had broken out, and possibly the same scenes and the same charges might be renewed. His noble Friend at the head of the Government had spoken of the *commando* system, which he said had been abolished by the Government of the day as being inhuman. Now, what was the state of the case? Sir Harry Smith has called on the people to levy *en masse;* he calls on every settler to bear arms in defence of the colony. Well, surely this is the *commando* system repeated again, and it shows that you must alter your present system. Their experience proved that they could not have peace with the Kaffirs; their extermination might be a thing very horrible to consider, although in truth, he believed their extermination was an impossibility, for the centre of Africa would still supply hordes of these barbarous and sanguinary wretches, on whom no dependence could be placed. To civilise them appeared to be equally impracticable. In 1837 a book was published by Mr. Boyce, a missionary, in which the peculiar and inveterate vices of Kaffirs were described; and it was a curious coincidence that Sir Harry Smith was at that time serving in the colony as Colonel Smith, and holding the same language to those barbarous people which he was addressing to them now. Sir Harry Smith addressed them in language which was at once poetical and suited to their comprehension. He told them that the Britons were once as naked as they were, but that now they wore clothes and were more comfortable, and he recommended the Kaffirs to do the same thing; and then he stated that there were some abominations which he begged of them to forego. The first was, eating one another up; the second was murder and robbery; the third was witchcraft; the fourth was addiction to perjury; the fifth was the practice of setting houses on fire; and, the seventh (now they were annexed to the British Crown) was the crime of treason. These were the seven deadly sins of the Kaffirs in 1836, and they were the seven deadly sins of the Kaffirs in 1850. No progress had been made with these men at all; they had done nothing in the way of instruction in the shape of lasting progress. They had sent their missionaries among them, who had made no lasting converts; and their military, who had effected no permanent conquests. Sir Henry Pottinger, writing in 1846, says, "I have as yet seen little proof of a change wrought by our missionaries among the natives." In 1848, Sir Harry Smith says, "The most laudable efforts have been made, which I am sorry to say have all been abortive." With respect to the extension of their frontier, as long as they had governors there would be an inclination to extend their frontier until they gave them a check by a refusal to supply them with a military establishment to enable them to retain it. A wide frontier, no doubt, was a very good thing if they had an unlimited supply of troops to maintain it; and there was not a doubt with any Governor that the feeling of the House of Commons would be to furnish them with an unlimited force the moment they were aware that a British subject had been slain. It was true that such was the feeling of the House of Commons; and it was therefore necessary, by the adoption of such a course of action as he recommended, to warn governors not to put themselves in a position which they could not defend. He was prepared to contend that the colony of the Cape of Good Hope was not one which could fairly call on that House to incur a considerable outlay, for not only had the colonists not defended themselves, but he must say that they had acted lately towards us in a manner which deserved no great encouragement from the Home Government. He could not agree with the hon. Member for North

Staffordshire (Mr. Adderley); and from those who sided with the colonists in the quarrel which they recently had respecting convicts sent to them from this country, he differed very much; and he thought that his noble Friend the Secretary for the Colonies had a perfectly fair right to ask that they should take from this country the reformed convicts which he proposed to send to them. As long as we extended to them the benefits of military protection, so long had we a right to ask from them the assistance we then demanded. Not wishing to rest the question upon this point by any means, he had only placed it before the House as an additional reason for adopting the course which he suggested. Indeed he thought the whole of this question was involved in part of that raised by the hon. Baronet the Member for Southwark (Sir W. Molesworth), which he was afraid would not be easily renewed that night; and he must say that he could not agree with his noble Friend at the head of the Government that the principle contained in the question propounded by the hon. Baronet was one of dismemberment of the empire. On the contrary, he thought the dismemberment and the dissolution of the empire was far more likely to be contained in the converse of that doctrine. The question of extension of your empire is not merely a question of extension, but of how many more points you open to attack. It was said of old, *melius civitati consulit, qui terminat quàm qui imperii fines propagat.* He believed that doctrine to be sound—it had been proved to be so in ancient times; and for these reasons, thinking that peace should be preserved, and abstaining from entering into the questions as to the conduct of one particular governor or of another, but merely stating his belief that there had been a blunder somewhere, he should divide against both propositions. He trusted that after the opinions which had been expressed, the Executive Government would take upon themselves to decide whether they would advance the limits of the colonies or retrench them. If they resolved on the former course of action, our forces would be found utterly inadequate; if upon the latter they would be able to diminish our expenditure, not only on the ground of economy, but on that of sound and statesmanlike policy.

Mr. F. SCOTT said, that the question before them was one of very great difficulty; and he thought that the argument of the right hon. Gentleman who had just sat down was conclusive against the appointment of a Commission. At a moment like this the Government should have full power, and such irreclaimable savages as the Kaffirs deserved to be made to know that England was determined to hold the colony against their aggression. He approved of the Amendment for a Committee to investigate the subject, because it seemed to be significant of a wish on the part of the Government to conduct colonial affairs upon the full information and well considered opinion of those abroad, rather than the vacillating policy which prevailed at home. There were so many changes in the Colonial Office, so much uncertainty, so little consistency, that he saw no wonder in the Kaffirs at length evincing a distrust of the permanency of any arrangement that might be made with them. There were three different proposals before the House, or at least there would be—that of the hon. Member for North Staffordshire (Mr. Adderley), for a Commission to investigate the subject at the Cape; that of the noble Lord (Lord John Russell) to send the matter before a Select Committee of the House; and that of the hon. Member for Southwark (Sir W. Molesworth), imposing on the Government the duty of immediate steps to relieve this country from the expenses of a Kaffir war. He (Mr. Scott) thought the expense of a war ought to fall upon those who had been the occasion of it; and in this particular instance, he thought the policy of our Government, both at home and in the colony, was answerable for the war. It was well, therefore, that a Committee of the House should be appointed to investigate that policy, with a view of averting any such unfortunate effects being produced in future. Such a Committee would also give its sanction to the course to be taken in the present case by the Executive Government; but the appointment of such a Committee could not but be viewed, both by Parliament and the country, in the same light as was that which investigated our affairs in New Zealand, or that upon our policy in regard to Ceylon, which was opposed by the Government themselves as a direct censure upon the Colonial Office, as well as the Colonial Government. Our policy at the Cape had been extravagant and expensive, and therefore he would support the Amendment of the noble Lord. The Committee would have to inquire into our policy with the Kaffirs much in the same way as the inquiry had been conducted with regard to our proceedings in Ceylon, however different the first appearance of the two cases; for in Ceylon we had been harsh and cruel in our treatment of a timid and docile race, while in South Africa we had been lenient and conciliatory in dealing with a sanguinary and irreclaimable set of savages. There were three causes to which the war with the Kaffirs was principally attributable. First, the discontent of the colonists, arising out of the apprehension that we were to make the Cape of Good Hope a convict settlement; whereupon the Kaffirs and the Boers, seeing the colonists disunited, and believing that the proposals of the Governor would not receive the support of the colony, concluded that to be their opportunity. The next cause of the war was the discontent arising out of the land payments and tenure. But the third and principal cause, was the support afforded to the Kaffirs when they came into collision with the Dutch, as in the Richmond riot, when, because they had given some Kaffirs a good thrashing, Mr. Hope took part with them against the Dutch, to the great discontent of the latter, and a feeling of triumph was excited thereby in the minds of the Kaffirs. Our policy with regard to the Kaffirs also had been a very main cause of the war. We had imposed quit rents, we had prescribed limits between them and ourselves, and we had taken away the authority of their chiefs, offering them money instead, as though that could be viewed by these savages as any equivalent for the barbaric pomp and state of their chiefs. The boundary question, too, had contributed to inflame the war. The noble Lord had stated to the House that one uniform system had been approved and adopted by Sir Benjamin D'Urban and the other governors, to extend the boundary; and he (Mr. Scott) admitted the policy of Sir Benjamin D'Urban had been to extend it from the Fish river into an open country, where, if we did come into collision with the natives, there was no danger of the bush. But that was not the policy of later Governors—they had first abandoned Sir Benjamin D'Urban's frontier, and afterwards had selected another line of boundary beyond that proposed by Sir Benjamin, and not possessing the advantages he had pointed out. And so little uniform was the actual conduct pursued at the Cape, that the very latest complaint of the Kaffirs was of the perpetual change and vacillation in our policy. One point he desired to press upon the House was, that whether governors or commissioners were to have the management of our colonies henceforth, the persons entrusted with it ought to be better informed than Sir Harry Smith appeared to have been with regard to the character of the Kaffirs, for only two days before the outbreak took place he wrote to say that all danger was at an end. The writer of the following letters, an officer in the service, states—

> "That Sir Harry Smith had for several weeks previously been warned of what was going on, but to no effect, the commissioner of Kaffraria, Colonel Mackinnon, having persisted that everything was peace, and that the reports and rumours were all false, when suddenly, on the 25th of December, an immense force of Kaffirs, about 5,000 men, fell on a patrol sent by Sir Harry Smith to Sandilli's kraal."

Here he would beg particular attention—

> "Attacked them when unprepared (Colonel Mackinnon choosing to have the men not loaded), killed and wounded several men and officers, and they had to fight their way back to the camp at Fort Cox through thousands of savages. The Kaffirs, at the same time, attacked the military villages, and murdered every soul of them. Sir Harry Smith, who had gone into the Amatola mountains to Fort Cox, with a force of about 1,000 men, was surrounded by the savages, and could not get out."

The writer continues, that—

> "Colonel Somerset, on the 29th, finding all communication with head-quarters cut off, took 200 men, and endeavoured to force his way there, in order to throw in some provisions to Fort Cox. After advancing five miles he was assailed by several thousand men, front and both flanks; he charged these fellows with the Cape corps and 91st regiment, but the force opposed was so large he could not proceed, and, unfortunately, the trail of the 3lb. gun broke and became useless. We had a splendid fight of it. On returning we lost several men and two officers killed."

Colonel Somerset had previously reinforced Sir Harry Smith with 180 men of the Cape corps. As soon as he returned he sent off a secret express to Sir Harry Smith, telling him that his only chance of getting back to King William's Town was by taking the men of the Cape corps he had and forcing "his way through the Kaffirs before daylight, but not take any infantry. The moment he got the letter he did so." This was the history of the escape from what the hon. Under Secretary for the Colonies termed the accidental circumstance of the Governor being shut up in Fort Cox; nevertheless at the time when the letter was written—

> "All communication with every town on the frontier was cut off and the country strongly occupied by the enemy; and had not Colonel Somerset arrived at Fort Hare when he did, and made most essential general arrangements, the whole of the Fort Beaufort district would have been in ruins, and Fort Beaufort itself burnt."

The writer, after describing some of the horrible ravages committed by Hermanus' followers, says—

> "The rapine, murders, and mischief that they have done is untold. He was well acquainted with the country, from being an inhabitant. He has destroyed property, seized stock, and burnt houses to an enormous extent; numbers of defenceless families have been murdered, and the havoc and destruction has been appalling. When it is all to end, God knows. Martial law has been proclaimed, but the burghers are very slow in coming forward, and unless they do it is impossible to say what will occur."

This is a sufficiently glowing picture, taken by one who was on the spot, and was actively engaged in the scenes which he described. He was not about to impute the blame of having caused the war to any one individual, or to any one circumstance; but certainly it was requisite to inquire into a course of policy which had led to such disastrous results, and one can hardly conceive such credulity or ignorance of the actual state of affairs or feelings of the Kaffirs as that shown by Sir Harry Smith on the eve of the outbreak of the war. It is only to be accounted for by his reliance on the accounts given by Colonel Mackinnon, who was so reckless of the lives of his men and officers as to lead them into a jungle and defile without their muskets being loaded, and who, from his own despatches, appears to have discredited all reports of the intentions of the Kaffirs. The hon. Baronet the Member for Southwark (Sir W. Molesworth) had said, on a former occasion, that there were two questions—First, Who had caused the war? Second, Who were to pay for it? He believed that the policy of the English Government had materially caused the war by rendering the Boers discontented, by irritating the Kaffirs by the occupation of their country, by limiting the authority of their chiefs, and then by introducing these irreclaimable savages among the colonists; and as he believed the policy of the Government had, in a great measure, caused the war, he felt sure the English people would have to pay for it. He should therefore support the Amendment of the noble Lord at the head of the Government, as the means of controlling future expenditure, and as a measure of direct censure upon the management of the Colonial Office.

Mr. MACKINNON: Sir, the hon. Gentleman who has just sat down has been singularly inconsistent in his declarations. He commenced his remarks by stating that he would avoid all personal allusions, and he has concluded by reading an anonymous letter containing unfounded insinuations against my gallant relative, Colonel Mackinnon. Sir, that distinguished officer's character stands too high in the Army, at the Cape, and in this country, for me to condescend to answer anonymous insinuations made in this House against him, or his gallant commander, Sir Harry Smith. It is very easy for Gentlemen opposite, knowing nothing whatever on the subject, to get hold of the pamphlet of some discontented or ill-advised individual who has left the colony of the Cape—it is easy, I say, for the parties in this House to make a speech from such a pamphlet; and this has been done on the present occasion, for the speech we have just heard is in fact taken entirely from this publication I hold in my hand, written by a person of the name of Freeman. Now, I cannot say that the course adopted and followed in the present debate is quite a fair one. The real purpose of this Motion is to attack the Colonial Secretaries in this House and the other House of Parliament; for this purpose the fire is directed against the Chief Commissioner in Caffraria and his gallant associates, that the shot may, through them, reach the colonial officials here. Members sitting at ease on the benches opposite, without any accurate information whatever, or knowledge of military matters, find fault with the proceedings in Caffraria, to worry the Ministry at home. The Chief Commissioner, Sir H. Smith, is accused of occasioning this war by his overbearing and despotic conduct towards the Kaffir chiefs, and of wishing to keep the colony in a state of constant warfare. How does this accusation accord with the facts of the case? When the Chief Commissioner first took the command, the hostile tribes of the Kaffirs were in open hostility with us: did he not by his judicious conduct, his firmness and energy, speedily after his arrival at the Cape, bring matters to a satisfactory settlement, and restore peace to the colony. During the period that he has held the chief command, the colony has enjoyed, with two exceptions, a state of peace and quietude superior to that it enjoyed under former governors until the late outbreak. Let us, for a moment, take a view of what has always taken place between civilised man and barbarous tribes. Look at the Carib race in our West Indian Islands : these poor savages once possessed these colonies—where are they now ? They have entirely disappeared. Look at North America and the United States : where are those warlike Indian tribes who occupied that immense continent, and who bartered with Penn when he first settled in Pennsylvania ? They are fast disappearing : those that remain are driven westwards to the Pacific Ocean, and gradually melt away. Everywhere, when it once gets a footing, civilisation overcomes barbarism. Is it therefore a subject of wonder, or a question of blame, for the Chief Commissioner, that contests should arise between the colonists and the fierce and warlike tribes of Kaffirs? Can he be blamed for adopting the policy of his predecessors in establishing a sort of neutral territory which should form a line of demarcation between the colonist who advances, and the Kaffir who recedes. The Kaffir tribes are a pastoral people; to them it probably matters little whether they occupy one portion of land or another : all pastural communities migrate with facility from one spot to another. Either you must admit the principle that as civilisation increases, barbarism recedes, and allow the Chief Commissioner to act accordingly, provided he acts with moderation, prudence, and justice; or give up the colony entirely, and shut yourselves up in Cape Town and its immediate vicinity. Far be it from me not to deplore the sufferings of humanity in this progress of civilisation, although certainly a great benefit to mankind thereby arises! Compare, for example, the magnificent town of New York, and the wealth, science, prosperity, and happiness of Canada and the United States, with the miserable wigwams, the squatting Indians, the state of starvation and constant warfare, spoil, and cruelty, in which were placed the savage and half-naked tribes of North American Indians. We learn from the chronicles of those days that the early Puritans who settled in America were not quite so humane, or imbued with that meek spirit of forbearance and humanity that ought to be exercised by a Christian people, as might be desired. Often were the poor Indians sacrificed to their caprice, fears, or interest: it is however unnecessary to dwell on that subject. In reference to the remark of the hon. Gentleman in his opening speech, that Sir H. Smith had behaved in a wanton and cruel manner towards Sandilli and others in placing his foot on the neck of the chief, I think before we blame the Chief Commissioner, the accuracy of the statement ought to be ascertained, and the circumstances fully investigated before judgment is passed on that distinguished commander. My reasons for voting against the Motion "that a Commission should be sent to Caffraria," are that such a Commission would be tantamount to a vote of censure on Sir H. Smith; that it would lower his authority in the colony, prevent any energetic measures on his part, and inflict a deep injury on an upright, honourable, and distinguished man. How can one vote for such a measure without any evidence brought before us, and solely on the reliance of the veracity of rambling statements made in letters or by pamphlets of discontented persons from that colony? At the same time, I am one of those who think that the proceedings of the Executive Government in the colonies ought to be closely watched, and that this can only be done by the Houses of Parliament. I shall give my sincere support to the proposal of my noble Friend the First Lord of the Treasury, that a Select Committee of this House be appointed on the subject of the recent outbreak in Caffraria, by which middle course the whole business can be fully investigated, and full credit given to the gallant officers who have suffered so many hardships and evinced so much skill, energy, and judgment, in repelling the aggressions of the Kaffir tribes.

Mr. GLADSTONE said, the hon. Gentleman who had just sat down had proposed to the House, by way of solving the question of the Kaffir war, a philosophical theory which might be very ingenious and very reasonable. He had stated that war might be considered as one of the incidents of the contact of civilisation and barbarism. That might be true; but were those incidents between civilisation and barbarism capable or incapable of proving correct conduct on our part? It was enough for him (Mr. Gladstone) to say that a theory of this nature did not absolve us from the necessity of taking practical measures with regard to the question itself. At the same time, he agreed with the noble Lord at the head of the Government that the more we separated this question from the inculpation of individuals, the better, partly because the matter was so difficult, and partly, also, because that House must come in for its full share of blame. What was past he was willing to consider as past. He had very little hope that the House would be able to establish as against the colony any portion of claim for the expenses of the present war; but if the Government should be able to effect that object, all he could say was, that they would deserve eminently well of their country. What he was most anxious to impress upon the House was this—that the future was in some degree in our power, and that we should not commit ourselves with respect to the future by any act of indiscretion or any omission of that which it was our duty to do now. He was very much in the predicament in which the right hon. Member for Northampton (Mr. V. Smith) had stated himself to be. He did not agree with either of the proposals now before the House; and he so fully coincided in all which had fallen from that right hon. Gentleman, that he should have no hesitation in resting his vote on the grounds the right hon. Gentleman had laid before them. The right hon. Gentleman had stated all that could be stated with respect to the appointment of commissioners. All that could be done by a commissioner could be done by a governor, if the House had confidence in the latter, and if not, he ought not to be your governor. With regard to the appointment of a Committee, he would not dwell on the old objection so common to all questions of this kind—that it tended to shift the responsibility from the Executive Government to others—because that argument, however true and important, might be capable of being modified. But in this particular case, all the objections to a Parliamentary Committee had special force. It was obvious that one effect of a Committee would be, to hang up the question for a lengthened term, and to stop the discussion of it probably for two Sessions of Parliament. We could all sketch out what the proceedings before it would be. The Committee would meet. It would be composed of Gentlemen having a multitude of other avocations. They would examine the witnesses who might be ready at hand. They would send for others from the Cape. Those other witnesses would not arrive until the end of next Session. We should then have the old story again, and we would be in great good fortune if we had the report ready for discussion in the Session of 1852. [An Hon. MEMBER: 1853.] Well, very possibly it might be postponed to 1853. It was sometimes deemed advisable to postpone the discussion of a public question; but in this case, such a postponement would be objectionable in a tenfold degree. At present the House and the country were smarting under a sense that there was something wrong in the policy which led to these continuous and successive wars; and so long as we were suffering from those smarts, and our bill remained unpaid, and the mischiefs were pressingly urgent, there was hope that the attention of the House would be directed to the subject. But let the war pass away, and let the name of it no longer appear in the estimates, the subject would quickly be dismissed into the region of dreamy speculation. Any propositions to revive it would be met by insinuations that they were about to dismember the empire; a spirit of patriotism and national pride would be evoked; and all their discussions would be considered a waste of time. Unless the discussion was taken now, and while they were suffering mortification and shame from the enormous mischiefs of their present policy, all future consideration of the case was hopeless. A Committee was a bad instrument for examining the question. It was the result of his own convictions and experience that the local government—a government centred in the colony—was the only government that could be sound and healthful for a colony constituted in a legitimate and normal manner of freemen of our own race. But if we were to have a Government here, let it be the Queen's Government. If we wanted to govern the colonoes in England, we should only aggravate the mischief by taking the charge of any Government into that House. The Secretary of State was the proper officer in such cases. He had the necessary experience; the House had not. His mind was constantly directed to the subject, and it was impossible to find fifteen Gentlemen of that House who could apply themselves to the consideration of the question with anything like the advantages possessed by the Secretary of State. If he looked at the question as a matter of reason, then he thought the Secretary of State ought to be the best Governor of a colony. If he looked even at the practical experience of Parliamentary Committees, then he must say that he was not always satisfied with the results of the labours of such Committees.

He had heard some allusion that night to the affairs of Ceylon. Now he did not think that the character of that House, or of the Committees of that House, had been at all elevated by the results of the investigations of the Ceylon Committee. In the history of the Cape question they would find other illustrations of the evils of following that course now proposed to be taken. The noble Lord (Lord John Russell) had that night done no more than recount the failure of their policy in this direction. The most decided change and the strongest group of measures ever adopted by the Executive Government of this country with regard to the Cape of Good Hope, were adopted in the time of Lord Glenelg, upon the recommendation of a Committee of that House. The Committee sat in 1835-6. He (Mr. Gladstone) had served on that Committee along with the late Sir Fowell Buxton, who, if not the Chairman, was at least the conductor and manager of the inquiry; and he was bound to say that he had never seen a Member of Parliament discharge his duty with more zeal, energy, and ability, or with a greater command of the subject before him, than in the case of Sir Fowell Buxton in the course of the sittings of that Committee. But what was the result? A total change of policy was recommended and was adopted; and that total change afterwards proved a total failure; and the fact was that the wars in that colony since that period had been more bloody, costly, and ruinous than they had ever been before. There was here, then, no encouragement whatever to proceed to appoint another Committee to examine into the relations of this country with the Kaffir tribes of the Cape frontier. But he had a still greater objection to this course. He believed that the appointment of a Committee would be a decided step in the wrong sense and in the very worst direction. He was convinced that it was utterly impossible for them, in this country, to devise any satisfactory system of adjusting their relations with these Kaffir tribes. It was absolutely necessary that this should be done by the men on the spot. He would not pretend to say that this could be done in a moment. It was an unfortunate fact that the effects of a false policy long pursued could be but slowly rectified. They would have to endure much before they could get round these effects of the past system and establish a better one—if that might be. But still he would say, "Don't, at all events, let us take a step in the wrong direction." What would this proposal really do? It would erect a new domestic authority to give a new sanction to the system of managing the affairs of the Cape frontier from England. He objected to managing these affairs from Downing-street; he objected still more to the aggravation of the evil of that system which would follow from the attempt to manage them through a Committee of that House, representing one branch of the Legislature. They felt now their responsibility with regard to the expenses of the wars which had arisen during the maintenance of the system whereby the management was left with the Secretary of State. He would ask them in what position they would be placed after transferring the management to a Committee of that House, should a war again break out? Why, they would be even more responsible then than now; and still more nugatory than now would then be the discussion whether they or the colony should undertake to defray the costs of hostilities with the frontier people. These were the main objections which he had to the appointment of a Committee. But he must fairly confess that he was not prepared to propose any other remedy of a domestic character. He was satisfied that this country could never do it; and the only conclusion to which it was possible to come was, that it was advisable, by measures as cautious as they pleased, but in a manner as speedy as they could, to transfer the management of the whole matter into the hands of the colonists. Perhaps this was not the time to discuss that measure in full. But he agreed with the right hon. Member for Northampton as to the important principle involved, and he could not separate it from the consideration of this particular case. The main inducement he had to vote against the appointment of a Committee was in the anxiety he felt to avoid any step the effect of which would be to give a fresh parliamentary sanction to the most mischievous and unsound system of managing the local affairs of the colonies from home. He contended that these wars on the Cape frontier were altogether local affairs. And if they asked him why he was anxious to throw on the colonists the burden of conducting these wars, he would reply that it was not entirely, not even mainly, but because of the great public economy which he believed would result from the adoption of that policy. He was not ashamed to say that after reference to public honour, no duty was more incumbent on that House than to lessen, wherever possible, the weight of taxation pressing upon the public. It was at any rate not for them—the representatives of the people, and specially sitting there to use the taxes of the people—to do anything which could render those taxes larger than the real exigencies of the empire demanded. Therefore, it was not for them to be ashamed of propounding principles of economy, in connexion with the Government. He nevertheless felt that there were much higher principles now involved: and it was not on grounds of finance alone that he advocated the bestowal on the colonists of the unrestricted regulation of their own local affairs, and among those local affairs, the management of their wars with the aboriginal and frontier tribes. This was no visionary scheme. He granted it could not be accomplished in a day. They had deviated far already from a sound system of colonial policy; and it might not be easy to get back at once to a healthy system. All he entreated of them was not to travel from it, to keep it in view, and whatever steps they took to make certain that those steps were in the right direction. It was certainly not a visionary system. It was the system under which they had reared their old American colonists. Those colonists never asked the mother country to carry on the colonial wars with the Indians. The noble Lord at the head of the Government had alluded in very forcible terms to the massacre and butchery of Her Majesty's subjects in the villages on the Cape frontier. But the noble Lord could not mean to say that these results occurred only in cases where the colonists were left to themselves to resist the invasions of the aboriginal people; because the noble Lord would recollect that the very town in New Zealand which had had the honour of bearing his (Lord J. Russell's) own distinguished name, had been sacked and destroyed by these aborigines, this having taken place under circumstances by no means consistent with the theory against colonial self-government. But this was not a question to be regarded as only a question of economy. The question really and truly was, how the plague and the scourge of these colonial wars could best be destroyed. His argument was that the plague and scourge of these wars never could be kept down unless when the community which was exposed to the war was likewise responsible for its expenses. For the burdens of war were the providential preventives of war, and operated as a check upon the passions of mankind, the lust of territorial acquisition, and the heats of international hatreds. What would this country have been if the expenses of its wars had been borne by another nation? [*A laugh.*] The supposition was doubtless ludicrous; but under such a system the colonists existed. Had this country not been herself responsible for the cost of her wars, she would never have known peace. The moral sense would have interposed and acted as a check in some respects; and he hoped that this moral sense was not wanting in the colonies as well as here. But weak and infirm human nature, amid human temptations, must be backed up by far other considerations; and the practical corrective check upon colonial wars was the imposition on the colonists of all the responsibility of the wars. It was notorious that scandalous extravagance, he would even say scandalous corruption, invariably accompanied the management of the Cape wars. Public authority was in their possession for the assertion that peculation and corruption of the most offensive description had disgraced the details of the expenditure of the Kaffir wars at the Cape. The Indian wars of the North American colonists had never cost this country millions. Their system, then, was natural and had worked well; their system now was unnatural, and consequently worked badly. He asked them not to continue in the vicious system. The hon. Gentleman who had just sat down (Mr. Mackinnon) had urged upon the House the impolicy of forming opinions from pamphlets, and advancing arguments upon the theories of public writers. He agreed with the hon. Gentleman's principle, and only wished he had acted upon it. He (Mr. Gladstone) could not go with the hon. Member for Southwark (Sir W. Molesworth) in the assertion of any abstract principles in these questions. The proposition of that hon. Member was that a large class of the colonies should be required to bear their own military expenses. To that proposition he agreed; but he entertained the greatest objection to the assertion of the principle by the House of Commons. It was calculated to excite undue hopes, and, on the other hand, undue fears. The House might fall short of its assurances, and both with those who hoped and feared all confidence would be lost; and the consequence would be that those relations which ought to bind the Legislature to all those whom it called on for obedience, would be weakened and relaxed. He could not, therefore, approve of the enunciation of any abstract principles of a colonial policy generally. But this he would say, when they had a practical question before them, let them assert their abstract principle in a practical form. He knew only one valid or fair objection to the system of imposing responsibility for wars upon the colonists themselves. An appeal might be made to their humanity, and it might be said, "You are not going to expose weak colonists to the mercies of barbarian tribes." His answer was, that they did not know that there was this danger, and that they were not likely to get any exact information as to how the matter stood. He had a shrewd suspicion that in this particular case the colonists were very well able to defend themselves. But if not, he was very sure that this country would always be found ready to extend its aid and its protection. Only, however, let the Legislature make the colonists responsible for that which they were enabled to prevent. That could only be effected in one way; by permitting the colonists unrestricted freedom in the control of their own local affairs. And let not this country quarrel with them about this or that policy; for unless they were unrestricted they would never feel their responsibility. Here, he felt called upon to enter his protest against the doctrine that the normal system in regard to the colonies was what was called "preparing them for freedom." He granted that when a colony was trained in servitude, a great deal of what was called "preparation" for self-government might be required. It was taken for granted by many of our statesmen that that doctrine was correct which taught that the best system of colonial policy was to deal with a colony as with an infant. First, it was to have long clothes, and then short clothes; it was to be taught to walk; and the hope of freedom was only at intervals to be held out to it. This, he maintained, was a great practical fallacy, and moreover the most mischievous fallacy. They must found their colonies in freedom if they would have them really free. Their present system was the reverse of this. A colony was founded and trained in political servitude. All the elements of social order were displaced; the colonist was taught to place his reliance where it ought never to be placed; a governing class was reared up for the purposes which the colony ought to fulfil itself; and, above all, as the climax of the evil, a great military expenditure was maintained, which was regarded as a premium on war, and always encouraged war. They were, then, in this matter, to look to the burdens which the existing colonial system inflicted on the taxpayers of this country; but they were to look further and higher than that, and the evils with which they had primarily to deal were the social demoralisation, the corruptions, the bloodshed attending the frequency of war in the colonies, which were the palpable results of the existing system, and which would continue ineradicable until that most vicious system was entirely done away with. Let them, therefore, whatever they did, beware of giving any sanction to the principle maintained in this system, which sanction they would give in permitting a Committee of that House to decide on the relations, and to regulate the relations, between this country and the Cape tribes. Let them, at once, through the Executive Government, and the agents of that Executive Government, at the Cape, endeavour, as soon as possible, to endow the colonists there, and every free subject in the colony, with entire liberty in their local institutions, and to impose upon them thereby the absolute responsibility of managing their local affairs, including their relations with the Kaffirs—always, of course, reserving to this country to interpose its powerful arm to defend them in case of need. In advocating this, he had no apprehensions of provoking the "disemberment of the empire." If they spoke of that, he would call on them to recollect that no colonies were ever more fondly attached to England, or more disposed to make sacrifices in war, than the North American calonies, before the American revolution; and that the fact was, that not one of the colonies sought or desired the miserable bribe to allegiance of military expenditure; and that each one of them would have resented the insult, if it had been attempted to send troops among them as a standing army, under pretence of protecting them against the frontier savages.

VISCOUNT MANDEVILLE said, he rose, not so much to answer what the right hon. Gentleman (Mr. Gladstone) had said, but, from having been in the colony, he might be enabled possibly to state what would be of use to the House. The right hon. Gentleman said, there would be no use in appointing a Committee. There was a Committee now sitting on steam navigation, yet no doubt there were Members of the Government who had information on that subject. Besides, the Committee had the advantage of being at a distance from the scene of action, and, consequently, removed from the party strifes and disputes which would bias the judgment of persons in the place. The right hon. Gentleman seemed to speak as if the colony wished for war. There might have been persons, certain contractors, who, deriving a profit from it, wished for it; but the colony itself suffered too much to wish for war. The hon. Member for Southwark (Sir W. Molesworth) stated, that the wars were caused by our encroachments. The reverse was the case—our encroachments were the consequence of the wars. The war was caused by Kaffirs' depredations. The war of 1846 was caused by the murder of De Lange, whose cattle had been stolen after the Fingoe who watched them had been killed. The Boer was shot when he attempted to overtake the depredators; and the war, he believed, was caused by the dissensions consequent on the refusal of the Kaffirs to give up the offenders. The hon. Baronet had a very erroneous impression as to the extent of our frontier. The portion threatened could not be much more than a tenth part of what the hon. Gentleman had stated. The whole Orange River frontier was thinly inhabited by people who never attacked us. The Orange River sovereignty, he would observe, was taken on account of the Boers, not of the Kaffirs; the only part on which were Kaffirs was between the Winterberg and the sea. The whole of Natal was surrounded by Zoolus, not Kaffirs. There were none in any part of it. These Zoolus were perfectly peaceable, as had been stated by the hon. Under Secretary on a previous occasion. The hon. Member for North Staffordshire (Mr. Adderley), in the same breath that he affirmed that not a month was to be lost, recommended a commissioner to be sent out. This appeared to him (Viscount Mandeville) to be a strange contradiction. The Committee itself could decide whether a commissioner was desirable, and, meantime, far better than a local commissioner, provide a constitution, and decide what portion of the expense should be paid by the colony. The right hon. Member for Northampton, when he talked of Boers on the Katt River, laboured under a great misapprehension, for the whole population there were Hottentots. Appoint a Committee, and the Government, no doubt, would be ready to lay all the papers before it, and there would be found plenty of people in England able and willing to give information on the subject.

Colonel THOMPSON had heard no answer to the allegation of the hon. Mover, that there had been distinct breaches of treaty, to which was to be referred the origin of this war. On the other hand, circumstances had been mentioned which strongly bore out that allegation; something had been said, for instance, about putting the foot upon the neck of a chief;—was that part and portion of existing treaties? What would have been said had Sandilli proposed to put his foot upon the neck of somebody else? The House had heard too of a brass-headed stick, which seemed likely to turn out the dearest jest of a Governor, since Gessler hung his hat upon a pole. Though not attended, it might be, with much *éclat*, he had, both in Africa and in Asia, seen abundant evidence, that to treat semi-barbarians with justice, was the sure road to their attachment and good faith. The question was, who had applied the match to the train? Gunpowder, every body knew, was explosive, and so were Kaffirs. But the question always was, who applied the match, and why? We had paid two millions before, and were to pay two millions again, with a prospect of two millions after that, and so on to an unlimited extent. This was the prospect before us; and these were the successive fines for our absurdity and guilt. The use he meant to make of it now, was to protest against making any promise to the world that we would drive the Kaffirs here, or drive them there. Many a man had sold the bear's skin and failed in hunting him; and such engagements were, by the world's consent, foolish and indecorous. There were certain duties imposed by the necessity of self-defence; and in this view it would be quite sufficient for the House to say, that in case of need, it would protect our fellow-subjects in that part of the world from being overwhelmed in the old settlements. But as to any proposition that we would conquer a new and extensive portion of the African continent, and thrust back what hon. Gentlemen called the "irreclaimable savages," who had insulted nobody, injured nobody, but who had been evidently treated with the most gross and childish insults for the purpose of provoking them to injury, it was clear we had only to carry the process far enough, to discover that though Providence did not interfere upon the instant to punish crime and folly, it was as true as ever, that "the mills of the gods ground slow, but ground small;" and so we, in the end, should find it.

Sir E. N. BUXTON said, it was not his intention at that late hour to enter into particulars respecting the treatment of the aborigines by us, or the position of resistance they had assumed. But it did appear to him that there were ample grounds for considering that great encroachments had been made upon the lands and possessions of the natives of South Africa, especially the Kaffirs; and they being a courageous people, had done only that which might be expected in resisting and attacking us in return for our aggressing. We possessed at this moment an empire three times as large as Great Britain itself. Two years ago the policy of Lord Glenelg had been reversed; after that there was a war, and now another war. Now, he declared his opinion to be, that it would be dangerous to give up the affairs of the colony to the colonists themselves. Not that he had any fear of the colonists being unable to defend themselves, but he feared it would be in such a manner as to be entirely dissatisfactory to the Christian people of this country. He found it was the general habits of the Boers and white colonists in all colonies where there were aboriginal tribes, to make aggressions upon the land. An hon. Member had truly observed, that the moving cause of the outbreak was the famine of last year. Why, the constant complaint of the natives was, that the boundaries of their land were so small that they had not sufficient to grow their food and graze their cattle. We had taken their land from them, and their cattle had died off. It was his decided opinion, that if we left the colonists to themselves—if this country ceased to interfere—the Kaffirs would be, to use a native phrase, gradually eaten up, and that that process would be effected by every species of cruelty and oppression. Lord Glenelg, in speaking of conflicts with the natives, not of South Africa, but of Australia, said—

> "The causes of those hostilities are to be found in a course of petty encroachments and acts of injustice committed by the settlers at first submitted to by the natives, and not sufficiently checked in the outset by the leaders of the colony."

He afterwards added—

> "It yet remains to try the efficacy of a systematic and persevering adherence to justice, conciliation, forbearance, and the honest acts by which civilisation may be advanced, and Christianity introduced amongst them."

He hoped that the House would consider these observations of the noble Lord before they agreed to give over the natives of Africa to the tender mercies of the Boers.

Mr. ROEBUCK said, the hon. Member who had just sat down rather excited than mollified his desire to express his opinion on this question. The hon. Member talked about justice—he spoke about humanity—he wanted the Legislature to adopt principles, in regard to England and our colonies, which were adopted between nations of equal civilisation. But he wished that neither the hon. Gentleman nor the House would bind themselves to this one grand leading circumstance—that we began with a gross injustice as far as our ordinary principles were concerned. What had we done in Kaffraria? We began by taking away a people's country, and then we were asked to follow out a principle of justice. We began with the greatest possible injustice, and then we were asked to follow out principles the very reverse of that on which we had founded our position. Was there anything which would justify our aggression? He said there was. He was quite prepared to begin with injustice as between man and man. He kept his eye wide open to the injustice. He admitted it; he justified it; he exacted it. How did he mean to justify it? Take, for instance, America, discovered by Columbus in an island, and by Cabot in a continent. Take the people, the human happiness which that vast continent then contained, and compare it, not with what it was now, but with what might be its splendid expectancy. He weighed the immediate mischief, great, enormous, overwhelming as they were—terrible as was the conquest of Cortez or of Pizarro, horrible as was the bloodshed by the Puritans in Massachusetts, miserable as was the devastation in Virginia—with the great exhibition of civilisation in the wide stretch of a continent, possessing the benefits of all the discoveries of modern science. He took the two—he took the horrors which intervened — he weighed the miseries against the great advantages—and he accepted the latter. Did not the history of colonisation tell him that wherever he found the white man, and more especially the Anglo-Saxon by the side of the aborigines—whether it was in North America, in South Australia, in New Zealand, or South Africa—the inferior man vanished before him? and the only question was the long agony of pretended justice, and the immediate exclusion of the aborigines. Now he begged that there might be no false modesty or false philanthropy about the matter. We were going to exclude the natives, and it was a fallacy, a practical pretence, to say we were going to do anything else. Let them take one of the colonies. Let them begin with Massachusetts. It was a beautiful thing to have historical record on that matter. That was a very religious colony. A pure people went out to cultivate the vineyard of the Lord, according to their own peculiar language and their views of religion. What did they do? One morning they rose up and said they were about to smite the heathen hip and thigh—they were about to draw the sword of the Lord and Gideon. They did draw the sword, they did strike hip and thigh, and they did exterminate the natives. That was what they did, and they did it in the name of the Lord. Take Massachusetts now, and what was it compared with the state in which the Puritans found it? He accepted the difference. He mourned over the intervening circumstances; but he did say it was impossible to avoid the consequences. He wanted to apply this practically. We had no business in Kaffraria, except on the understanding that we were about to plant in Kaffraria a people of a higher intelligence. He would not enter into the question whether that was the peculiar organisation of man, but there was a class of men who reached a higher state of intelligence, a greater point of civilisation. Such a class of men we were about to plant in Kaffraria. The savages, unhappily for themselves, were there now; the savage was a degraded being, and the question was, could he be raised to the state of civilisation of the man placed by his side? All history said that was impossible, and those men would vanish before the face of the white man. The commencement of colonisation proved it. The Kaffirs lived by hunting, which required a vast expanse of territory. We took that territory. We began by seizing the most fertile spots. Nature told them to fight—to oppose cunning to force, artifice to knowledge; but cunning and artifice must sink before knowledge. Then came poor Sir Harry Smith, and he talked as if these people had committed some dire offence against morality when they rose against his dominion; and the hon. Baronet (Sir E. Buxton) asked them to do unto others as they would be done to. But suppose the hon. Baronet were a Hottentot, or Member for Kaffraria, would he then apply the golden rule? Or, suppose the Hottentots came to England, and seized it, and some brown Sir Harry Smith were to begin talking about his tender mercies, would the hon. Gentleman think that he militated against morality by putting a musket ball through him? Why, he would think that he was doing a patriotic thing, and that his name would be held up to future ages as a Miltiades, a Themistocles, a Wallace, or any other patriot. But to return; having begun with a gross act of injustice, by dispossessing the country, he yet said that if they were enabled to introduce a large body of English colonists there he was quite prepared to go the whole length of the conquences; but it was an utter pretence to talk of honesty, in the ordinary sense of the term, of justice, or humanity. They ought not to mix up this matter with the question of the colonisation of the Cape of Good Hope, because British Kaffraria was in no way connected with the Cape colony. British Kaffraria was a large tract of territory taken possession of by the British Government, into which they had sent soldiers, but no colonists. The Kaffirs had risen, because they thought a gross injustice had been done them. They were right for so doing, and we could only put them down by force. Those men had steeled their hearts with the deepest sense of injury. We had deprived them of that which was dearest to them. The lands over which they had been used to roam in quest of the means of subsistence we had taken from them. We had circumscribed their means of living, and could it be wondered at that they should rise against us? We had planted in their nation military colonies, and we were about to destroy them as a people. He wished Englishmen to understand that we were about to introduce among a people rather more than usually populous for the extent of territory, an English Power, with the ulterior object of placing there English colonists. English colonists could not be placed there without the inevitable consequence of annihilating the aborigines. That was what had been done in New Zealand, in Australia, in North America, in all our colonies, and that was what would be done in South Africa if the present system were continued. Let the British people make up their minds whether to colonise or not. He was prepared to say colonise: the object was to substitute a highly civilised for a savage population. That could not be done without entailing great sufferings upon the savages. He was prepared for that. It was absurd to say you could attain the end without incurring the consequences. They were inevitable: it was a long agony they were about to inflict. Tell the colonists—"We will plant you here—we will protect you from aggression against the great nations of the earth—seaward, you shall be safe—against the aborigines you must protect yourselves." We knew what we were about to do; but the end justified the means. ["No, no!"] He might shock some Gentlemen; but they might depend upon it they would have to go through it all, as he had told them. It was a vast population they had to dispossess before they could get possession of their land. What would be the consequence? A militia would be at once formed; we should march into the midst of the country and plant a town; an insurrection would arise; we should put down the Kaffirs; punishment would follow: we should dispossess them of their land, and the poor wretches would be driven back and exterminated. That was what had been done in Massachusetts, in Virginia, in New York. The colonists had put down a gallant and chivalrous race—a race warlike, and possessed of many high qualities. We had dispossessed them; and where now, he would ask, was the North American Indian? He lived in history—he was unknown to fact—and scarcely in the whole range east of the Mississippi could be found one single nation of the aborigines that was not like a wandering tribe of gipsies—all their high chivalry gone—all their claims as a nation melted away. They had become the subjects of romance. In their most cherished resting places the axe of the Anglo-Saxon had cut down and crushed the vast forests through which they had been wont to wander, and their hunting-grounds had become the seats of art, of civilisation, and of human happiness in a different form. This made all the difference, and this, he said again, we must face, if we intended to extend the present system to South Africa. As regarded the proposition of the noble Lord (Lord John Russell), he looked upon it as a complete abdication of the power of Government. He (Mr. Roebuck) could put a meaning upon it, because he could suppose a Government so weak and so incapable of governing as to be glad of any excuse for getting rid of a difficulty. A responsible colonial Government shrouded itself under the miserable subterfuge of a Select Committee, and in the mean time money was to be spent, war and slaughter were to be perpetrated, and the great name of England was perhaps to be prostituted. Time was when the noble Lord would have said, had such a proposition been made to him, "Do you think we are going to abrogate our functions as a Government?" But he said to the noble Lord, if he were willing to abrogate the functions of the Colonial Office to a Select Committee, let him abrogate the functions of a Government altogether, and confess he was so weak as to be unable to control what belonged to England. The Ministry was responsible for the government of the country. That House was not to take upon itself the administration of affairs, but was to stand separate and was to be the judge in the last resort over the Administration. Let not the House then cede to a Committee of their own body those functions of Government which the noble Lord and his Colleagues truly held, but did not adorn.

Mr. LABOUCHERE said, that the hon. and learned Gentleman who had just sat down, following to some extent the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), but greatly exaggerating his views, had expressed his surprise that the Government should have proposed to appoint a Select Committee to consider a very grave and important point connected with the colonial policy of the country. The hon. Gentlemen had both spoken as if they thought that Government had taken a quite unprecedented course, and that such a recommendation could only come from a weak Government. He (Mr. Labouchere) must say he was astonished that such an argument should have been employed by two Gentlemen so well acquainted with the history of our colonies. He remembered, in the case of Canada, at the time of a very interesting crisis in the affairs of that colony, that Mr. Huskisson, a Colonial Minister not of small repute, acting under no less a person than the Duke of Wellington, asked the House to appoint a Select Committee to consider the whole affairs of

Canada. There had been at that time disputes as to the Government of Canada, which called for decided interference on the part of this country. Mr. Huskisson was not the man to shrink from that responsibility, and the Duke of Wellington was not the man to permit any Secretary of State to act a mean and truckling part with respect to the policy to be pursued by this country. And what was the course pursued by Mr. Huskisson? Why, all he asked was that the House should grant him a Select Committee, to inquire into the state of affairs with regard to Canada. He (Mr. Labouchere), though then a young Member, served upon that Committee, and he well remembered what their proceedings and recommendations were. He believed that they were some of the most important recommendations that had been ever made. They pointed out an entire change of our policy with regard to Canada. Those recommendations had been to a great extent acted upon by that and successive Governments; and in his conscience he believed that to them in a great measure we owed it that we still retained Canada as a colony of this country. A similar course was adopted on perhaps the most difficult and important colonial question that it had ever fallen to the lot of a Government to deal with—he meant the condition of the slave population in the West Indies. The whole course of legislation with regard to slavery in those colonies was the fruit of the anxious investigations of that Committee. Slave emancipation was ushered in, supported, and, in fact, carried by the authority of that Committee. Again, the same course had been pursued with reference to the apprenticeship question, when the Colonial Secretary—a man not wanting in firmness and energy—Lord Stanley, he believed—did not think he was lowering the authority of his office by asking for a Select Committee for the settling of that important question. Unless they said, then, that the affairs of the colonies were to be left entirely to the Colonial Office, without any care or solicitude on the part of the House, he did not see what reflection there could be upon the Government for asking from time to time, as occasion required, for the assistance of a Select Committee to consider important political questions. Again, in the case of the Cape of Good Hope, some of the many courses of policy with reference to the treatment of those aborigines had been recommended by a Committee of the House of Commons, of which he believed the right hon. Gentleman (Mr. Gladstone) had been himself a Member. The right hon. Gentleman had argued as if the only danger to be apprehended at the Cape of Good Hope was that the white population might be overwhelmed by the coloured population; but the Committee of which the right hon. Gentleman was a Member took a very different view of the subject. He (Mr. Labouchere) believed that if the white population were left to themselves in that colony, without any assistance from this country, although they might at first be exposed to danger from the natives, and there might be scenes of bloodshed and devastation, the ultimate danger was that the extermination of the aborigines would ensue. That was the view taken by the right hon. Gentleman opposite as a Member of the Committee. [Mr. Gladstone: No, I opposed it.] If that were so, he (Mr. Labouchere) must admit that the personal argument, so far as the right hon. Gentleman was concerned, fell to the ground; but he was entitled at least to claim the authority of the majority of the Committee as being in favour of such opinion. The Report of the Committee of 1837 was this—

> "That it was the special and sacred duty of the Government and the Parliament to exercise their authority wherever British colonies were planted in juxtaposition with great masses of aboriginal inhabitants, to prevent the frightful consequences that must ensue from allowing the passions of the white and black population to be excited and arrayed against each other, thus leading to dreadful scenes of carnage and desolation."

He begged to remind hon. Gentlemen what were the questions really before them. The hon. Gentleman the Member for North Staffordshire (Mr. Adderley) had proposed that a Commission should be sent out to the Cape of Good Hope. He Mr. Labouchere) thought the general sense of the House was against that proposition. He considered, that if the Governor and the other chief officers of that colony deserved the confidence of the Government, they were at least as much to be depended on as any commissioners who could be sent out to make inquiries; and the necessary effect of sending out a commission would be to weaken the authority of the Governor and other official persons at a moment when it was of the utmost importance that their authority should be strengthened and upheld in every possible direction. The other proposal before them was that of his noble Friend (Lord John Russell), that a Committee of that House should be appointed to consider the whole of the complicated and difficult questions connected with the relations between this country and the tribes on our South African frontier. The Government had been charged with endeavouring to evade responsibility in making this proposal; but they in no degree shook off responsibility in requesting the aid of a Committee, not to consider what measures were requisite to meet an urgent and instant state of things, for that was the duty of the Executive Government, but to consider deliberately, and to report to the House, what should be the fixed and settled policy of this country with regard to the question of the Cape frontier. That was no more a subject peculiarly, and solely, and exclusively belonging to the Executive Government, than were the questions relating to Canada in 1837, or the questions as to the West Indian slavery, with regard to which Committees of that House had been appointed; and he thought it was a subject upon which the Government, without giving up the least portion of that responsibility which attached to them, might justly and properly ask for a Committee to assist and give weight to their deliberations. These were the grounds on which the Government proposed the appointment of a Committee. He thought them as sufficient and complete as those upon which the appointment of any similar Committee had ever been demanded; and he hoped the House would not refuse to aid and encourage the Government in the course they had pursued by consenting to the Amendment of his noble Friend.

Mr. HUME thought the right hon. Gentleman (Mr. Labouchere) had forgot that the prevalent desire was now to get rid entirely of the colonies, and allow them to govern themselves. [*Laughter.*] He was aware of the advantage that had been taken of the phrase, "get rid of the expenses of the colonies." What he meant was, that by the course of policy latterly shadowed out by Earl Grey, the only means was provided of securing the continuance of the colonies in connection with this country. The colonies were all indisposed to submit to the trammels of the Colonial Office any longer; and the course of policy that should now be pursued was one that would enable those colonies to direct their own affairs, which they would do in a much better manner than the Government of Downing-street. The proposal of this Committee was, no doubt, made with the intention of divesting the Government of responsibility; and in answer to that opinion the right hon. Gentleman the President of the Board of Trade related the appointment of some other Committees; but he (Mr. Hume) believed that these Committees had been the commencement of a great deal that was wrong. Now, last year we had Orders in Council drawn up, recommending that the colonies should have independent Governments to manage their own affairs and free us from the expense. But the speech of the right hon. Gentleman now was quite opposed to that. The people in the colonies believed that they were quite able to conduct their own affairs with perfect security. Let the colonists have a responsible Government, which would acquire the confidence of the people. The noble Lord (Lord John Russell) said the colonists had never acted cordially, and had never assisted the Government of this country. But why should they? They had been treated as so many cattle, and had had no share in the government of the colony they resided in. The right hon. Gentleman the Member for Northampton (Mr. V. Smith) had read extracts from the papers of Graham's Town, and from the despatches of Sir Henry Pottinger, which must have satisfied the House of the impossibility of continuing the system which had so long kept the colony in an unsettled state. The time had now come when the colonies must be left to the management of their own affairs; and he felt confident that their position would ensure good conduct on their part, and good behaviour on the part of the Kaffirs. The people of the Cape of Good Hope had sent a delegate here to endeavour to make an arrangement, but he had been kept here four months without being listened to. The right hon. Gentleman the President of the Board of Trade had given the House some examples of the advantage arising from the appointment of Committees, and he had inquired, "Was not the abolition of the slave trade carried by a Committee?" Quite the reverse. The late Sir Fowell Buxton's Committee, after taking evidence one Session, recommended a further inquiry in the next Session. But what followed? Lord Stanley said he would not be guided by any Committee, but would take on himself the responsibility of acting; and he introduced a proposition on the responsibility of the Ministry, and carried his project into effect without any assistance from a Committee. The Ceylon Committee had also been referred to. That Committee, however, was not appointed to give advice to the Minister, but to expose abuses which the Minister denied. That was a very different inquiry from the one now proposed by the noble Lord. He hoped the House would not agree to the appointment of any such Committee, the only effect of which would be to shelve the question for twelve months, and perhaps longer. He considered the appointment of a Commission would be very advantageous. Let disinterested and independent Commissioners be appointed to judge between the aborigines and the colonists, and see fair and proper arrangements made. This would be the best mode of settling the differences which now existed between the contending parties. He admitted that some considerable time must elapse before they could come to any satisfactory settlement; but the Commissioners would be able to see how far the interests of both parties were affected. He would ask the Government why they had not acted on the Resolution of last year?—why they had deferred giving the colonists a responsible Government which would have relieved this country from a large amount of expenditure with which it was now saddled? It would be of great advantage both to this country and the Cape, if the colonists were allowed to manage their own affairs, and he did not see why the House should stand in the way of their doing so forthwith. He would do all in his power to assist Sir Harry Smith in putting an end to the war; but he decidedly objected to the appointment of a Committee.

Mr. J. BELL could not allow the speech of the hon. and learned Member for Sheffield (Mr. Roebuck) to pass unnoticed, because, if he were to do so, it might be suposed that the House acquiesced in principles at variance with morality, honour, and Christianity. The hon. and learned Member had laid down the principle that it was proper to do evil that good might come; and he stated that he was ready to justify injustice, for he said it was proper and justifiable for England to take possession of a foreign country simply on the ground that the English are a superior people, that they are Christians and highly civilised, and that we are justified in exterminating a people who have done us no injury. If that principle was recognised, he should like to know where the mischief was to end. They might as well say, because some cottagers were less civilised than themselves, they had a right to take possession of their village, and plant therein persons calculated to promote the happiness of mankind. If it were impossible to obtain possession of foreign nations by any other means, he should say it would be better to remain as we are than to obtain them at the price of blood. But it was not impossible to obtain foreign countries by different means. It was known that the inhabitants were willing to sell the land at a moderate price; that they were open to terms of capitulation; and that by various means they might be partially civilised. Experience had shown that a great deal might be effected without absolute extermination. It was well known that principles of honour existed among savages which some people did not give them credit for; but whatever might be the fact with respect to their dispositions, nothing could justify that bloodthirsty and rapacious spirit which appeared to be recommended by the hon. and learned Member for Sheffield.

Mr. S. HERBERT said, the House was placed in a situation of some difficulty with respect to the form of the Motion, and the manner in which the votes were to be taken with respect to the propositions before the House. He had looked forward with some hope to the speech of the right hon. Gentleman (Mr. Labouchere), because he expected he would have given some justification of the proposition of the noble Lord at the head of the Government for the appointment of a Committee. But the precedents of the right hon. Gentleman were not at all applicable to the present case. The Committee on the subject of Canada had quite a different object from the Committee now moved for by the noble Lord. That Committee was appointed to inquire into the allegation of grievances. It was a Committee sought for by the colonists in consequence of a long struggle between the colony and the mother country, and the idea that they were oppressed by misgovernment at home. The Government were in a manner impeached, and it was thought necessary to appoint a Committee to inquire into the allegations then made. The other Committee referred to was that of Lord Glenelg to examine into the question of apprenticeship in the West Indies. That appeared to him to be a singularly infelicitous precedent, for this reason, that the Committee did sit and report, and the House reversed their decision, and told the colonists that the system of apprenticeship could no longer be maintained. He did not think the appointment of the Committee now asked for would do much towards a solution of the difficulties which now existed. The hon. Member for Buckinghamshire (Mr. Disraeli) said, the other night that the country was governed by speeches. [An Hon. MEMBER: Some not very intelligible.] Sometimes Motions were not very intelligible, and that was case with respect to the one now under discussion. Here was a Committee, to be appointed on the same principles as the Official Salaries Committee. That Committee made a report, which the noble Lord read, but which he perhaps put into the fire, for he never acted upon it. So far as that Committee was concerned, much time was wasted. The precedents which had been referred to were altogether inapplicable. Now was this a case which would justify the appointment of a Committee? The Kaffir war was going on. It was necessary that the Executive at the Cape should be unshackled by any doubts as to the intentions of the Government, and should have either definite, clear, and unmistakeable instructions from home, or an unfettered discretion to act as circumstances might arise. Between the two propositions before the House, the appointment of a Commission appeared to be a much more rational thing than the appointment of a Committee. A Commission might receive definite instructions, or act according to circumstances. But a Committee sitting in this country would be in ignorance of what was going on, and portions of evidence might arrive at the Cape, which would cause the Governor to say, "Am I right in doing this and that—the Committee take a humane view of the matter?" The appointment of a Committee would be a delegation of responsibility which was not authorised by the circumstances which had occurred, but the contrary, and would be likely to lead to serious impediments to the public service. The right hon. Gentleman the President of the Board of Trade said, it was the special duty of the Governor of the country to deal with questions like this. In that observation he (Mr. S. Herbert) perfectly concurred. In arguing against the proposition of the hon. Member for North Staffordshire (Mr. Adderley), the right hon. Gentleman said, that a Governor on the spot is as good as a Commissioner. If so, might it not be said that a Government is as good as a Committee? He apprehended the proper course would be to vote, in the first instance, against the Amendment of the noble Lord. The Motion of his hon. Friend (Mr. Adderley), would then become a substantive Motion, and he should then have an opportunity of voting upon that Motion.

MR. BOOKER intended to give his vote in favour of the Government, because he thought they had shown becoming vigour and manliness in their attempt to maintain our great colonial empire. He did not think that the House ought to refuse the Government their support and co-operation when they asked it on an emergency like the present—an emergency unexpected by any one in that House. The state of the Cape of Good Hope was one of vast difficulty, and he could not but feel that the Government had done all they could in sending out an officer of consummate ability—one who enjoyed and who deserved to enjoy the unlimited confidence of the country and of that House. He believed that the spirit in which a Committee would enter into the investigation would be the means of strengthening those ties which ought to exist between the Cape of Good Hope and this country.

MR. HAWES said, the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) seemed to think that if the Committee was appointed, some very serious evil would happen to the colony—that because the power of the Executive here would be affected, the policy to be pursued for terminating the war and protecting the colony would thereby be materially impaired. But he had not informed the House how that result was likely to follow the appointment of a Committee. Now what was the object in appointing a Committee? The Government desired to inform the Gentlemen on the Committee fully and entirely with respect to their past policy, but that House was not the best place to communicate it in. He was not without grounds for saying so, for when the noble Lord (Lord John Russell) addressed them with a full statement of his policy, there was hardly a House present, and some of the most distinguished speakers were absent. The hon. Member for Montrose talked of the misgovernment of the Cape of Good Hope. Now, he (Mr. Hawes) would venture to say that when the subject was clearly investigated, it would be seen that the policy adopted was not the exterminating policy mentioned by the hon. and learned Member for Sheffield (Mr. Roebuck), but a policy which would lay the foundation of a great and important colony. He saw no reason why an improvement should not take place in colonisation as well as in other matters. No doubt early colonisation had been marked by the extinction of the native races; but that was no reason why we should not proceed without following the same course. The hon. and learned Gentleman (Mr. Roebuck) referred to New Zealand. Now, he (Mr. Hawes) must say, that was an instance in which European colonisation was progressing alongside the native race, which was also progressing in civilisation; and he could not help protesting against the doctrine which the hon. and learned Gentleman had laid down, that white men are to be placed in a colony with unlimited power over their uncivilised neighbours, and that the power of the Crown is not to be exerted to protect the natives. He trusted the House would, in conformity with the views of the hon. Gentleman who had just sat down, do this justice to the Government, give them the opportunity of laying before a Select Committee all the information and evidence in its possession, in order to prove that the policy pursued at the Cape of Good Hope has not been that policy which has been misrepresented by the hon. and learned Gentleman the Member for Sheffield.

Mr. ADDERLEY only wished to say one word in reference to what had fallen from the hon. Member for Lymington (Mr. Mackinnon). He (Mr. Adderley) did not intend to throw any imputation either on Sir Harry Smith or on Colonel Mackinnon, as the hon. Member appeared to suppose. On the contrary, he believed there were no more efficient or brave officers in the service. Neither did he make any charge against Earl Grey or his Colleagues in the Government, except so far as they were the exponents of a system which he considered bad. The right hon. Member for the University of Oxford (Mr. Gladstone) said that there was nothing which a Commission could do at the Cape of Good Hope which a Governor could not do. Now, all that he (Mr. Adderley) wanted the Commission to do was to wind up those treaties which had been formed between the colonists and the natives, and then he would leave the colonists to manage the affairs for themselves. As it appeared that his proposition was not very favourably received by the House, he thought it would not be advisable to press it to a division, but he would, with the permission of the House withdraw it, and let the division be taken on the Amendment of the noble Lord at the head of the Government.

Question put.

The House divided:—Ayes 59; Noes 129: Majority 70.

List of the AYES.

Arkwright, G.
Baillie, H. J.
Bankes, G.
Beckett, W.
Burghley, Lord
Cardwell, E.
Carew, W. H. P.
Child, S.
Christopher, R. A.
Cocks, T. S.
Deedes, W.
Disraeli, B.
Duckworth, Sir J. T. B.
Dundas, G.
Dunne, Col.
East, Sir J. B.
Edwards, H.
Evelyn, W. J.
Filmer, Sir E.
Fox, W. J.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goold, W.
Greene, J.
Guernsey, Lord
Halsey, T. P.
Hamilton, Lord C.
Herbert, rt. hon. S.
Hornby, J.
Hume, J.
Keating, R.
Lockhart, W.
Manners, Lord G.
Meux, Sir H.
Miles, P. W. S.
Monsell, W.
Mowatt, F.
Naas, Lord
Noel, hon. G. J.
O'Connell, J.
O'Connell, M. J.
Palmer, R.
Repton, G. W. J.
Roebuck, J. A.
Scully, F.
Seymer, H. K.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, H.
Sturt, H. G.
Sutton, J. H. M.
Urquhart, D.
Vesey, hon. T.
Vyse, R. H. R. H.
Wakley, T.
Wegg-Prosser, F, R.
Williams, W.

TELLERS.

Molesworth, Sir W.
Adderley, C. B.

List of the NOES.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bell, J.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Best, J.
Bethell, R.
Birch, Sir T. B.
Booker, T. W.
Boyle, hon. Col.
Brocklehurst, J.
Brotherton, J.
Bunbury, E. H.
Butler, P. S.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. G. H.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C.T.
Douglas, Sir C. E.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Evans, J.
Ewart, W.
Fitzwilliam, hon. G. W.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Freestun, Col.
Geach, C.
Glyn, G. C.
Goddard, A. L.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hardcastle, J. A.
Hawes, B.
Headlam, T. E.
Heald, J.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jocelyn, Visct.
Kershaw, J.
Labouchere, rt. hon. H.

Lawley, hon. B. R.
Lewis, G. C.
Locke, J.
Mackinnon, W. A.
M'Gregor, J.
Mahon, The O'Gorman
Mandeville, Visct.
Marshall, J. G.
Marshall, W.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milnes, R. M.
Mitchell, T. A.
Moody, C. A.
Morison, Sir W.
Morris, D.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir J. D. J.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Rice, E. R.
Rich, H.
Romilly, Col.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Seymour, Lord
Sheridan, R. B.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanford, J. F.
Stanton, W. H.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Vane, Lord H.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Words added; Main Question, as amended, put.

The House divided:—Ayes 128; Noes 60: Majority 68.

Select Committee appointed, "to inquire into the relations between this country and the Kaffir and other tribes on our South African frontier."

The House adjourned at One o'clock, till Monday, 28th April.

HOUSE OF COMMONS,

Monday, April 28, 1851.

MINUTES.] NEW MEMBERS SWORN.—For Leith, James Moncreiff, Esq.; for Boston, James William Freshfield, Esq.; for Cork, Francis Stack Murphy, Esq.

PUBLIC BILLS.—1ª Customs; Inhabited House Duty.

3º Stamp Duties Assimilation; Exchequer Bills (17,756,600*l.*; Indemnity.

PROPERTY TAX BILL.

Order for Second Reading read.

The CHANCELLOR OF THE EXCHEQUER moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. SPOONER said, he wished to explain why he could not give his consent to the second reading of the measure. This tax was called a tax upon property. If it were so, some of the objections he entertained to it might be removed; but it was a tax upon income, pressing most unequally upon many of the great interests of the country. In 1842 the late Sir Robert Peel, in proposing the tax, said he trusted that by its imposition, and the relaxation of other taxes, general prosperity would be so restored that they would be enabled at the end of three years to do without the property tax; and throughout the whole of the debate on that occasion the idea of its being a permanent tax was scouted by every class and party in that House. It was true that Sir Robert Peel, though he only asked the House to grant the tax for three years, said it might possibly be necessary to extend it for two or three years beyond that time. That necessity did arise; in 1845 the revenue was not in a state which would justify the withdrawal of the tax, and, under the same limitations, and with the same declarations against its permanency, the tax was granted for three years more, expiring in 1848. In that year they had the Irish famine, and the distress occasioned by that commercial policy which in his humble opinion had been most injurious, and the House again consented that the property tax should be imposed for another term of three years, under the repeated and almost universal declaration that it was not to be a permanent tax. He asked the House whether any of those circumstances existed now under which the renewal of the tax was then requested? Was there any great emergency existing at this moment—any large deficiency in income, or any great pressure upon the Exchequer, which made it necessary that the tax should be reimposed? If they did again consent to the property tax, except under such emergency, would they not virtually declare that the tax should be permanent? The House had denied its assent to the Motion of the right hon. Member for Stamford (Mr. Herries), which merely declared that the tax when first imposed was not meant to be permanent, and called upon the House to recognise that pledge, and to provide that a reduction should take place in the property tax, with a view to its ultimate repeal. The hon. Member for Buckinghamshire (Mr. Disraeli) had also reminded them that there was one important interest, upon the prosperity of which the Government had admitted that they could not congratulate that House and the country. The Government could tender condolence; but when asked to give this subject consideration with a view to some practical relief to this suffering class, the Motion was negatived. To sanction the second reading of this Bill under such circumstances as those above stated, would be putting a seal to the permanence of the tax. What was the nature of this tax? He (Mr. Spooner) would not ask the House to take his representation of it, but would furnish the opinions of others. What said the late Francis Horner in 1815?—and the name of that talented man would doubtless have great weight with Gentlemen opposite. He said—

> "He regarded the property tax as not more injurious to the commercial than to all the other great interests in which the safety and stability of the State were involved. . . . . . . The opinions of the House had not long since been divided upon a measure intended for the relief of the agricultural interest; but there was then no dispute as to the fact of the distress which existed. The Chancellor of the Exchequer, however, was now about to establish, without any modification, an imposition which in their flourishing condition was found grievous and oppressive, and which, therefore, in their present circumstances of embarrassment must prove odious and intolerable. . . . . . . If rent was in some years a fair criterion of farming profits, it could not be fair in a year during which there were no profits. . . . . . . The Chancellor of the Exchequer might turn a deaf ear to the complaints against a measure not more injurious to individuals than dangerous to the true interests of the State; but he would venture to predict that those complaints would soon reach him in a far different tone, and in a tone far less desirable with a view to the general advantage of the country."—[1 *Hansard*, xxxi. 161.]

The same must be said now; there was a spirit of opposition to this tax rising in the country that would be carried much farther than the Government contemplated, and might involve consequences greatly to be deprecated. What said the noble Lord (Lord John Russell) in 1845? He said then that he had always been accustomed to consider the income tax as a tax necessary for the carrying on an arduous and costly war, but a tax subject to some of the strongest objections that could be urged against any tax; and he added, "I have always been of opinion that inequality, vexation, and fraud were inherent in such a tax." The noble Lord stated some of the inequalities:—

> "No man could say that a person who had an income drawn from a landed estate, or from the funds, which he could leave to his children entire, was in the same position as a surgeon, or an artist, whose bread depended upon his health, and who, by the loss of a limb or a defect of sight, might be deprived in a moment of the means of earning any income at all. . . . . Great vexation was inseparable from this tax; a person engaged in trade must either submit to the payment demanded of him, or show all his accounts to the parties appointed by the Government."

With regard to the fraud and evasion practised, the noble Lord said no one concerned or connected with this tax could deny it.

> "The man of the most integrity, who gave his returns fairly, was subject to the greatest imposition; while those who wished to evade it, either found the means of doing so, or entangled themselves and the Government in the most expensive proceedings."—[3 *Hansard*, lxxvii. 543.]

That was the language in which the noble Lord had spoken in the year 1845 of a tax which he himself at that moment proposed for the adoption of the House. He (Mr. Spooner) asked the House to pause before they gave their consent to a scheme which the noble Lord had so powerfully and so justly denounced. He had himself acted for many years as an Income Tax Commissioner, and he could tell the noble Lord that he had not exaggerated the evils of which that tax was productive. He knew many persons who had submitted to pay more than their fair share of the burthen, rather than allow the real state of their incomes to become known; and he felt persuaded that if the House knew as much of the operation of the system as the Commissioners necessarily knew, they would pause before they voted for its continuance. All the leading Members of the party opposite had at various times proclaimed their hostility to the tax. In the year 1845 the right hon. Baronet the Secretary for the Home Department, in the course of a very short but a very able speech, had spoken as follows:—

> "If they had the melancholy prospect of its being a permanent tax, it would be their duty to endeavour to diminish the inequalities; but he, hoping the right hon. Gentleman had some grounds for being sincere in what he had announced as to duration, should not be disposed to remove the vexations; for the more they were felt the more likely would they be to get rid of the tax altogether."—[3 *Hansard*, lxxvii. 572.]

He (Mr. Spooner) should like to know whether the right hon. Baronet still retained the same opinions upon that subject which he had expressed in the year 1845? He should like to know whether the right hon. Baronet still thought it advisable that they should leave the tax unchanged, with all its imperfections, in order that they might the sooner get rid of it altogether? The next testimony he should quote upon the subject was that of a distinguished Member of the present Government, who now filled the office of Secretary of State for the Colonies. That noble Earl, while occupying a seat in the House of Commons as Lord Howick, had spoken of the tax as follows :—

> "This, according to the arguments that were used, ought to be the object of altering the mode of levying the tax; but he believed the best mode of arriving, in fact, at this result was by adopting a well-considered system of taxation upon expenditure and upon articles of consumption. He did not believe that they could so well apportion the amount of burthen which ought to fall on each member of the community in any other way. Each man knew what he could fairly expend, and if they placed the taxes on expenditure, and not upon income, they would be much nearer arriving at a correct result than by any other means. This he conceived to be the proper theory of taxation; and that to impose a tax upon income or property was obviously unjust. He agreed with his hon. Friend that the income tax should be confined to the greatest emergencies—that was, to a time of war, or to a state of things equivalent to war in time of peace. It was the duty of that House so to frame the taxation of the country that it should fall on the expenditure, and in such a manner that all classes, from the highest to the lowest, should contribute in just proportion." —[3 *Hansard*, lxxviii. 558.]

He (Mr. Spooner) should be glad to be informed whether the noble Earl and the other Members of Her Majesty's Government had changed their views upon that question; and if so, what were the reasons they had to give for that change? It should be remembered that they had at present no war, and that they had a surplus income at their disposal. But the noble Earl the Secretary for the Colonies had gone still further, and had asked "whether any one ought to be required to submit to the tax with that unsatisfactory state of things before him?" He had next a quotation to make from a speech of the right hon. Gentleman the Chancellor of the Exchequer, and to that quotation he should beg to call the particular attention of the right hon. Gentleman, for he could assure him that it was calculated to contribute very much to his edification. The right hon. Gentleman had used the following language in the year 1845 :—

> "So far from its pressing exclusively on the rich, it pressed on the labouring classes, diminishing the means of employment. He could not believe that the right hon. Gentleman could think that it bore exclusively on the rich; because, if so, why did he not impose it on Ireland? The right hon. Gentleman had stated that it was only to be imposed in time of great necessity; and if imposed it would be unjust if not imposed on Ireland as well as on England."—[3 *Hansard*, lxxvii. 583.]

After that former statement of the right hon. Gentleman, could he say at present that he believed the tax pressed exclusively on the rich; and if he did believe that it so pressed, why should he exempt Ireland from its operation? He hoped the right hon. Gentleman would state clearly to the House his opinions upon that matter. He (Mr. Spooner) would warn the Irish Members that this country would not much longer submit to the exemption of Ireland from the tax; because, although there was much poverty and distress in many districts of that country, he had no hesitation in saying that in many districts of England distress was greatly increasing, and threatened at no distant time to equal that of Ireland. He could tell the House that hundreds of acres in this country were at present without tenants; and in making that statement he referred more particularly to the county of Sussex. He appealed to Gentlemen from that county whether it was not a fact that there were at present large districts there out of cultivation, because they could no longer be cultivated with a profit? There were many districts in this country where the poor-rates were confiscating the produce of the soil; and he said that although the poverty of Ireland had been hitherto urged as a good excuse for exempting that country from the tax, the poverty of England would soon neutralise that excuse if the state of this country should continue long unchanged. He should next read an extract from a speech of his hon. Friend the Under Secretary for the Colonies (Mr. Hawes). He was then in the cold regions of opposition, not dazzled by place, nor with the comforts he now enjoyed, with a fellow-feeling for those on whom the income tax pressed. He was glad to find that in the extracts he was about to adduce, his hon. Friend agreed with him not only in his objections to the income tax, but also in his disapproval of the Bank Bill of 1844. His hon. Friend had used the following language in the year 1845 :—

> "He believed the income tax—and, if he might be permitted to add, the measure of the right hon. Baronet with regard to banking—were calculated to injure rather than to increase the prosperity of the country; and while he admitted that other measures of the right hon. Baronet were calculated to produce advantages hereafter, he should again repeat that he did not think they had been as yet productive of any perceptible benefit to the revenue, while he considered the income tax to be an impost which must of necessity cause material injury to the country, as well to the labouring classes as to those who had to contribute to it. He concluded by expressing his intention to vote in favour of the Amendment."

His hon. Friend had on the same occasion spoken as follows:—

> "There was nothing produced such injurious consequences to industry as a tax upon capital. He considered that any over-taxation of capital was infinitely more mischievous in its results than the taxation of any of the great articles of consumption. It was productive of serious injury to the commercial prosperity of the country." [3 *Hansard*, lxxviii. 348.]

He knew not whether his hon. Friend had since changed his opinions upon that subject; but if he had, he (Mr. Spooner) trusted that his hon. Friend would enlighten the House with respect to the reasons for that great change. Under that tax honest men frequently paid too much, and those whose consciences were less nice escaped payment altogether. It often happened, too, that men whose credit was rather tottering and uncertain, paid the tax, although they really did not possess the necessary income, in order to avoid the possible danger of making known their real condition. Then, again, he believed that the present mode of assessing the tax on farmers was peculiarly unjust and unreasonable. Farmers were assessed to the tax in proportion to their rents; but the rents which they paid afforded no criterion of their profits. A farmer, cultivating inferior land and paying a low rent, might reasonably be supposed to enjoy as large a profit as a farmer cultivating better land and paying a higher rent; for, in a country like this, he who paid the high rent did so because from the productive nature of the soil he had less to pay for labour and for artificial manure; he who paid the lower rent did so because, from the unproductive nature of the soil, his expenses in labour and in artificial manure were greatly enhanced, thus equalising profits and destroying rent as a criterion of profit. The right hon. Gentleman (the Chancellor of the Exchequer) had shown in the year 1848 how severely the tax pressed on the landowner, while replying to the statement of some hon. Gentlemen who had contended that it fell with excessive severity on the manufacturer. The right hon. Gentleman had said—

> "The gentleman in Schedule A derives his income from the land, and the tax is taken from his tenants by the collector in the first instance. No deduction is made on account of expenditure on the estate. It is immaterial whether the landlord gets his rent or not, the tax must be paid. There are many Gentlemen in this House who are able to state what per centage should be put upon an estate for repairs which is to be deducted from the rent. The result of my own experience, corroborated by the information which I have received, leads me to believe that I shall not overstate the amount deducted from rent for repairs, &c., borne by the landlord, at 20 per cent on the whole. If that be correct, it is evident that a man who pays 30*l.* income tax for a nominal rent of 1,000*l.*, puts in his pocket only 770*l.*" [3 *Hansard*, xcvii. 1032.]

Thus said the Chancellor of the Exchequer in 1848. But he (Mr. Spooner) asked, how stands the case with the fundholder or mortgagee? Upon 1,000*l.* a year he pays 30*l.* a year to Government, and puts into his pocket, clear of all deduction 970*l.* Now, he (Mr. Spooner) would ask, will the country Gentlemen permit this inequality to remain? He could not think it possible that they would so accept it; and, in addition, the tax paid by the farmer in reality fell on the landlord, at least in the case of all lands let since its imposition; because the tenant naturally deducted from the value of those lands the amount of the tax he was bound to pay. In the year 1833 the late Sir R. Peel, in speaking of the budget of Lord Althorp, had used the following language:—

> "It hardly could be contended that, if a property tax were established, Ireland ought to be exempted from its operation. He wished to see Ireland as much favoured as possible consistently with justice; but to impose a tax on England and Scotland, and to exempt Ireland, would in his opinion, however unpopular that opinion might be, be extremely unjust." [3 *Hansard*, xvii. 344.]

There was one more authority he should quote, that of Lord Stanley—a statesman whose opinions the noble Lord at the head of the Government would, he was sure, respect, however he might differ from them. In the year 1848, Lord Stanley had spoken as follows:—

> "If the House of Commons was not determined to keep up the revenue beyond the expenditure, and consented on the first appearance of surplus to take off other taxes, it would be idle and useless to say this was a temporary tax, for the country would find, in the absence of a surplus, that it would be permanently saddled with that which he felt to be a most dangerous thing to the public interests, namely, a permanent amount of direct taxation. It was not because he saw nothing objectionable in the principle of this measure that he assented to it, but because he thought that under no other circumstances could the country be placed in a position of national security, and because there were no other means by which the national credit could be maintained. He gave, therefore, his unhesitating support to the proposal of Her Majesty's Government for the renewal of this tax; but at the same time he felt it his duty to enter his protest against any permanent system

of direct taxation, which ought to be reserved for occasions of extreme necessity. He felt very confident that the time was not far distant when we should find that we had advanced too far and too rapidly in the course of a reduction of those taxes which, while they largely contributed to the revenue of the country, were not materially felt by those who paid them, because they were spread over a larger mass of the population. His belief was, that without oppressing commerce, or injuriously affecting the country, a sufficient amount of revenue might be raised by retracing some of those steps which he thought had been injudiciously taken; so that by resorting again to indirect taxation, we might, at the expiration of three years, be enabled to dispense with this tax, which, though he admitted it to be necessary at the present moment, he considered as objectionable in principle as it was obnoxious to the public."

These were all the authorities with which he would trouble the House. He would now offer a very few words on the principle of commutation proposed by the right hon. the Chancellor of the Exchequer. He did very well in commuting the window tax, but he should have carried his scheme much further. He had exempted a great deal of property which at the present moment paid the window tax. He had given relief to those who were not in want of it, but had neglected altogether the claims of the farmers, whom he had acknowledged to be in great distress, and to whom he extended his condolence, but no relief. Seeing that the Government proposed to renew the income tax with all its hideous characteristics, he, for one, could not give his consent to its renewal; but should it pass the second reading, he hoped that an effort would be made at least to remodel it in Committee. He invoked the aid of the noble Lord at the head of the Government in support of some species of relief on the strength of the assistance which the noble Lord had rendered him on a former occasion in 1845, in reference to the same class of persons, stating in a manner most gratifying to him (Mr. Spooner) that he had made out a very strong case. The class to which he referred were those who had insured their lives, and managed to screw just enough out of their expenditure to pay the premiums. He asked the House on the occasion to which he had referred, to allow the amount of these premiums to be deducted from the income before it was assessed to the tax; and the noble Lord on that occasion acknowledged that he had made out a very strong case, and gave him his support. A strong case in 1845 was equally a strong case now; and he hoped, therefore, to receive from the noble Lord the assurance that he would again support a proposition, in favour of which he had already spoken. There was another point to which he wished to call the attention of the right hon. Gentleman near him (Mr. Herries), who, he thought, did not quite go with him on the subject. Government annuities were annually repaying the principal. The income tax was not laid on the interest only, but on the repaid part of the capital. Suppose he purchased a Government annuity; the country, after paying him four or five per cent, in a certain number of years, were repaying him his capital. He received so much by way of interest; so much by way of redemption of the capital. But, under what was called the income tax, people were compelled to pay for income and for capital returned; yet that, he was told, was only fair and just, and no one, it was said, ought to be exempted. The truth was, the tax was a shifting one. When it suited the Chancellor of the Exchequer to deal with it as a tax on property, he dealt with it as a tax on property; when it suited the right hon. Gentleman to deal with it as a tax on income, he dealt with it as a tax on income. Another part of the budget on which he wished to say a few words, was that which related to the timber duties. He held in his hand a letter from one of the largest timber dealers in the north, who said that he had been applied to the other day by a man who, having taken a large contract, wrote to ask whether the removal of the duty by the Chancellor of the Exchequer would not lessen the price? What was the answer? "Not a bit." The circumstances of the trade were such, that the foreigner would put as much upon the price as Parliament would take off from the duty. So with regard to bricks, he was informed that in the very same neighbourhood bricks were now within about 1*s.* of the price at which they were before the duty was taken off. The principle of taxation which they were called upon to support was ruinous in its principle, dangerous in its tendency, and sooner or later would involve this country in ruin. What were they doing? They were taxing the labour of the country, and exposing it to competition with the untaxed labour of foreign countries. This might, perhaps, have the effect of swelling the exports for e short time, but the balance of trade had been some time against this country. The drain of bullion proved that such was the fact, and however they might, by cooking the exchanges, postpone the evil day, a crisis was inevitable—a crisis which would test not only the Act of 1844, but that of 1819 also; and all for the purpose of bolstering up what he believed to be a most impolitic and unjust system. Fearing lest the evil day should come, and trade and commerce should be equally found with agriculture in a depressed state—fearing that they were in danger of sacrificing the best interests of the country to a mere ephemeral commercial prosperity—of reducing the capital of the nation—of robbing landowners and tenantry, and destroying the productiveness of the soil—he should take great blame to himself if he did not warn them to consider well before it was too late. He therefore called upon them to resist the reimposition of a tax bad in itself, and worse still in its application, and begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. MUNTZ seconded the Amendment, and, in doing so, begged to express his general concurrence in all that had fallen from the hon. Member for North Warwickshire, who, like himself, was in a situation which enabled him to judge of the iniquitous working of the tax better than most men. Both of them lived in a district where a large proportion of the manufacturers were what were called "small men," and upon these small men the tax fell the most unjustly and unequally, next to the tenant-farmers, who were now made to pay whether they gained or not. Many of these small manufacturers came just within reach of the income tax, making a return of from 160*l.* to 200*l.* per annum; and how were these manufacturers served? They were very frequently surcharged on their first return, and not being able to show their books, were compelled to pay the amount at which they were assessed. He knew instances in which this happened to individuals three or four times. It was, in fact, making men rob themselves; and if anything could be more unjust than that, he should like to hear it stated, for he had never met with anything more iniquitous. His constituents often came and asked him what to do. "Show your books," was the advice which he gave; "show them that you have not got anything, and you will be let off." This, however, he was told they could not do, because they would be exposing their condition to a neighbour, and possibly a rival in trade, and it was better, therefore, to pay the tax. There was no tax which inflicted so much injustice. He had much rather pay any amount in the shape of a genuine property tax himself, than submit to so unjust an income tax upon others who had no means of redress; and he, therefore, opposed its renewal, first, because it was a breach of faith, and next, because he saw no end to it. How, he asked the House, could the income tax ever be got rid of if the present system was continued? If every little surplus were to be frittered away on bricks and such like things, how were they ever to get rid of it? His hon. Friend had, however, been led astray as to bricks; some one must have misinformed him, for he was sure that his hon. Friend would not have mis-stated the facts knowingly. The fact was that bricks had been reduced in price in consequence of the reduction of duty. He spoke from his own experience, for he was paying from 8*s.* 6*d.* to 9*s.* a thousand less than before the duty was removed. But that tax was a very partial one, and the benefit conferred by its removal was very partial also, for in many parts of the country bricks were not used at all, the buildings being all of stone. He confessed that for his own part he was a great gainer by the change, which saved him 150*l.* a year; but he had much rather see the tax retained and the surplus nursed for the reduction of the income tax. He could not see his way out of it, and he believed the Chancellor of the Exchequer did not see his way out of it, and really did not wish to see the income tax repealed. He believed that the right hon. Gentleman was as fond of it as Sir Robert Peel himself. He remembered once when he was with Sir Robert Peel on other matters, the right hon. Baronet observed to him, with reference to his vote on the Income Tax Bill, that it was the prettiest way of adding 5,000,000*l.* to the revenue. He told him, however, that he had not voted for it with any such intention. He had voted for it because he saw that no taxes could be imposed then on the working classes, because they were unable to pay those already imposed. But he would always oppose the tax, because it was a way of making a man rob himself. As to the window tax, the best commentary on it was to be seen in *Punch*, where the Chancellor of the Exchequer was represented as administering it in the shape of chloroform to John Bull, while the noble Lord picked his pocket of the 5,000,000*l.* income tax. It was not the poor who paid the window tax; it was almost entirely paid by the middle and upper classes. A vast many of his constituents who paid the income never paid one shilling of window tax. How then were these indemnified? He warned hon. Gentlemen to recollect that if they now continued this tax, they would never get rid of it. They might say what they pleased about taking taxes off articles of consumption: that might be all very well, and might be a sound principle; but were windows articles of consumption? He had once voted for the income tax, but he never would again; he never would sit down quietly and allow his poor constituents to remain subject to a tax which it would be impossible to get rid of, and under which they could not protect themselves from fraud and extortion. He would, therefore, support the Amendment.

Mr. FRESHFIELD hoped the House would extend its indulgence to him for a short time, as he had not had an opportunity of joining in any of the previous deliberations of the House upon the present question. He was anxious on personal grounds, as this was the stage at which the principle of the Bill would be determined, to state the reasons which would govern his vote on the present occasion. The question he asked was, whether the income tax was to be reimposed with all the objections which had been stated against it —one of which was, that it was a war tax maintained in time of peace, with all its objectionable features; or whether they should not have a distinct understanding that it should be so modified in Committee as to free it from many objections in point of detail, though not in point of principle? He could not forget that in 1842, when the late Sir Robert Peel was so strongly opposed by right hon. Gentlemen opposite, it was then urged to be essentially a war tax. But Sir Robert Peel then had the excuse of a deficiency to the amount of 4,800,000*l.*; and it could scarcely have been called a time of peace when there was fighting on the Indus and in China. Then, in 1845, when Sir Robert Peel had a considerable surplus in hand, he proposed the renewal of the tax for the purpose, whether right or wrong, of making considerable remissions of taxation. He remitted many taxes *in toto*, and reduced others; and when he was asked whether three years would be the extreme period for which it would be required, he said very fairly he thought three years might answer the purpose, but he should have been more confident if he could have asked the House to continue it for five years. He attached some importance to that answer, because if he had obtained the five years they would have expired in 1850, and the tax was still in existence in 1851— a year beyond that time. In 1848 the measure was again introduced, but not by Sir Robert Peel; and then it was stated, though he (Mr. Freshfield) did not admit it to have been any justification, that they had passed the mischievous measures of 1846, and in 1849 there would be an end of the revenue derived from the importation of corn. With all these considerations, with these excuses of trying an experiment, which had been tried and had signally failed, if it were a question now of taking the measure at all, or throwing on the Government the necessity of providing some other system of taxation, it might be a serious question whether they ought to suffer the experiment to be carried further. That, however, was not the question. He believed the noble Lord opposite, or some of his Colleagues, in 1842, said that if the House had given them the commercial measures they asked for, and adopted their commercial code, there would have been no necessity for such a tax. What was the commercial measure of the noble Lord? An 8*s.* duty instead of the sliding scale. And now that the measure was before the House, and in the hands of the noble Lord, might they not hope when they should go into Committee to consider what qualifications should take place, that the commercial measures desired by the noble Lord in 1840 would be taken into consideration. He would vote for the second reading, because he was not prepared to say that such an amount of revenue could be given up suddenly without a substitute; but still he supported it in the hope that it would undergo considerable modifications and important alterations, both in point of duration, the mode of assessment, and amount of taxation. He hoped that the noble Lord would find some substitute for the schedule which taxed the tenant-farmer without allowing him to prove that he had sustained a loss. With regard to the proposal of the right hon. Chancellor of the Exchequer to give up one direct tax, and substitute another in its place, he drew from it the inference that there was to be a reconsideration of the whole subject of taxation, and that a more just system would be the result. In conclusion, he would vote for a renewal of the income tax, but for a limited time only, in order to give the Government time to consider what more befitting mode of taxation ought to be adopted.

The CHANCELLOR OF THE EXCHEQUER said, that although the mover and seconder of the Amendment were agreed in the conclusion to which they had come, there was not a single point but this in which they did not differ *toto cœlo*. The hon. Member for North Warwickshire (Mr. Spooner) stated his grievance against the income tax to be, that it was an exceedingly unjust tax on landed property. The hon. Member for Birmingham (Mr. Muntz), on the other hand, said, that he was perfectly willing that double the pressure should be imposed upon land, but he thought it exceedingly unjust that the same rate should be put on trade. The hon. Member for North Warwickshire blamed him (the Chancellor of the Exchequer) for taking off the duty on bricks, because he said that the price of bricks had not been reduced in the slightest degree by the repeal; but the hon. Member for Birmingham said, that he had bought bricks at 8*s*. 6*d*. less per thousand since than before the repeal. He certainly proved to his (the Chancellor of the Exchequer's) satisfaction, and he hoped to that of the House, that a considerable benefit had been conferred by the repeal of this tax upon a large portion of the community. The reason which the hon. Member for Birmingham gave why the tax, nevertheless, should not have been repealed, was indeed one of the oddest he had ever heard, for the hon. Member said that it should not have been repealed because it was so very partial in its operation. The hon. Member (Mr. Muntz) also blamed him exceedingly for taking off the window tax. Now, that hon. Member was one of those who had on former occasions urged the House to repeal the window tax, and he was actually one of those who last Session voted with the noble Lord the Member for Bath (Viscount Duncan) for the total repeal of this tax, when the Government were run within two of being beaten. Why he should now object to a partial repeal—a repeal of the objectionable parts—of the tax, he thought it would puzzle even his hon. Friend (who was not always very consistent in his votes) to explain upon the present occasion. It was important, however, for the House well to consider what would be the consequence of agreeing to the Amendment of the hon. Gentleman opposite (Mr. Spooner). He (the Chancellor of the Exchequer) had proposed the renewal of the income tax for a limited period; and upon that proposition the right hon. Member for Stamford (Mr. Herries) had moved a very fair and reasonable Amendment, with a view, not of opposing a renewal of the income tax, but merely of renewing it only to a certain extent. The right hon. Gentleman knew perfectly well the state of the finances, and he proposed to renew the tax to such an extent, as to leave, as he thought, an adequate revenue. The right hon. Gentleman had too much regard for the credit or character of the country, to oppose the renewal of so much of the tax as was necessary to maintain the national faith and necessary establishments of the country. He (the Chancellor of the Exchequer) opposed the Motion of the right hon. Gentleman, and, the House agreeing with him, he succeeded in carrying the renewal of the income tax at its present amount for a limited time. In consequence of that vote, the House had determined to sacrifice a given amount of the revenue by the repeal of the window tax and the reduction of the duties upon coffee and timber. Now it would have been impossible to do this had the right hon. Gentleman (Mr. Herries) succeeded in his Motion. But if the Motion of the hon. Member for North Warwickshire (Mr. Spooner) for the total repeal of this tax was carried, not only must the reduction of the duties on coffee and timber, and the repeal of the window tax, be given up, but further taxes must be imposed, for an actual deficiency would thus be created of 1,000,000*l*. in the present, and of nearly 3,500,000*l*. in the next year. He wished to know whether the House was prepared, after the decisions to which it had come upon other questions of taxation, to reverse these decisions, and to impose new taxes to meet this deficiency. He believed they were not prepared to do so, and he therefore trusted that the House would agree with him, and reject the Amendment of the hon. Member. There were questions with respect to the details of the Bill which were perfectly proper to be raised at a fitting time, when they were in Committee; at present, however, he would not go into any questions respecting Schedules A, B, C, or D; when they were in Committee he should be prepared to argue them fairly and temperately, and he hoped to be able to satisfy the House; but it would be waste of time to enter upon these questions then. The question they had then to consider was, whether they should repeal the income tax at once, and thereby create a deficiency, taking away the relief which he proposed to give by repealing other taxes to that amount. He was not prepared to do that, nor was the House, he believed, and therefore he called upon them to reject the Amendment of the hon. Gentleman opposite.

Colonel SIBTHORP wished to ask the Chancellor of the Exchequer, whether it was his intention to go into Committee on the Bill on Friday next?

The CHANCELLOR of the EXCHEQUER said, he should certainly propose to go into Committee on Friday next. Notice had been given of an Amendment upon the Motion that the Speaker should leave the Chair; it was therefore impossible for him to say, whether the House would get into Committee, but he should propose it; and if they were not detained by that discussion, they would go into Committee.

Mr. MACGREGOR said, it was his intention to vote for the second reading of the Bill, but, previous to doing so, he wished to make a few observations. He considered that the schedules under which the tax was now levied were in themselves unjust and iniquitous. He would not say a word of those schedules, however, until they went into Committee; but this he must say, that rather than abolish the income tax altogether, he would vote willingly for it as it is, because they could not abolish the income tax altogether, without imposing other taxes of a more oppressive and objectionable nature. If they abolished it altogether, they must impose a tax on the essential food of man, and therefore he would give his vote for the second reading of the Bill.

Mr. DISRAELI said, it appeared to him that the objection of his hon. Friend the Member for North Warwickshire (Mr. Spooner) was a very just one, but he thought it might better be brought under the consideration of the House when they went into Committee. Under these circumstances, and as his hon. Friend had had an opportunity of making a very able statement to the House, he thought it would be advisable that he should not then call upon them to come to a division. For his (Mr. Disraeli's) part, he objected to many of the propositions of the Government; but, at the same time, he was not prepared to vote against the second reading of the Bill, and thus express an opinion that he was entirely opposed to the scheme. He hoped his hon. Friend, having expressed his opinion, and prepared the House for the reception of that opinion on a future occasion by the statement he had made, would not then ask the House to divide.

Mr. SPOONER said, he did not wish to press the question to a division against the wish of the House; but as the right hon. Gentleman the Chancellor of the Exchequer had not intimated that he would make any alteration in his measure, he (Mr. Spooner), instead of withdrawing his Amendment, preferred to have it negatived.

Question, "That the word 'now' stand part of the Question" put and *agreed* to:—Main Question put and *agreed* to:—Bill read 2°, and *committed* for Friday.

The House adjourned at Seven o'clock.

HOUSE OF COMMONS,

Tuesday, April 29, 1851.

THE NAVIGATION LAWS.

Mr. HERRIES begged, pursuant to notice, to present a petition from the shipowners of London. The petition was signed by almost every London shipowner. The petitioners begged to remind the House that, during the progress of the Bill for the Repeal of the Navigation Laws, they expressed their conviction that it would be productive of great injury to the shipping interest and to the still greater national interests of the country. They observed, that since that time a year had expired, during which they had had experience of the effect of that measure. They then stated that they were prepared to show to the House that their anticipations had been, unfortunately, so far as present experience went, fully realised. They stated, that in the course of that period there had been exhibited, even according to the official returns, effects of a very alarming character to their interests and to the great interests of the country. They called upon the House to remark that the official returns of British shipping entered inwards in the last year, as compared with the antecedent year, exhibited what had been very unusual in the official returns of this country for many years past—a diminution to the extent, as they stated, of 311,831 tons, or 7 1-10th per cent; the returns for the year 1849 having been 4,390,375 tons; and for 1850, only 4,078,544 tons. In the same period they observed that there had been a very considerable augmentation of the entries of foreign shipping into British ports, the tonnage of foreign shipping entered inwards having increased from 1,680,894 tons in 1849, to 2,055,152 tons in 1850; being an increase of 354,258 tons, or an augmentation of 21 per cent. They then went on to state that the aggregate of British and foreign shipping together entered inwards had, in the year 1850, only exceeded by about 6-10ths per cent the amount of the previous year; showing that there had been no material increase of the commerce of the country, such as was stated to be expected to arise from the alteration of the navigation laws. They stated that foreign shipping was superseding British shipping in trades in which it was asserted, in the course of the debates upon the question, that they could not compete with British shipping; and they instanced the article of Canadian timber, which was now brought from Canada to England in Baltic ships, although it had been supposed that those vessels never could compete with English ships in that trade. They stated that freights in all parts of the world had so materially diminished as greatly to injure the trade and commerce of the country; and that they saw no prospect of an alteration in that respect. They stated that they expected reciprocity from other nations, in respect of the great concessions made by the repeal of our navigation laws, had not been fulfilled; but that, on the contrary, they had been resisted by almost all the great States of Europe, and that they had been invaded by other States not in Europe, as in the instance of America; and they mentioned particularly the case of California, America having contrived to make a coasting trade between the United States and California, although the passage from one country to the other was round an immense extent of foreign coast. They stated, as an injury to them, that sugar, for example, from Cuba and Manilla, and the general produce of the Spanish colonies, were admitted into our ports upon the principle of perfect equality, whether imported in Spanish or British ships; whereas the tariff of Spain established a differential system greatly injurious to British commerce. They observed that, although there were circumstances which had created a demand for ships of a certain description, and of a local character, they were enabled positively to assert that the interests of shipowners at the present time were greatly depressed, and in such a condition as to require the serious attention of the House; and they ended by praying that that House would be pleased to take the premises into their immediate and serious consideration, to revise and amend the navigation law of the 12th and 13th Victoria, c. 29, and all other laws imposing restrictions and burdent upon British navigation, and to grant to the petitioners and to the shipping interest in general such relief and redress as to their wisdom might seem fit. The question to which the petition referred was one of the very greatest importance, and it was his intention to submit it to the notice of the House upon a special occasion, so soon as he could find one for making it the subject of discussion. As the statements contained in that petition were very materially at variance with the declarations made by Her Majesty's Ministers last year with regard to the effect of the navigation laws, he begged to move that it be printed with the Votes.

Motion made, and Question proposed, "That the petition be printed."

Mr. LABOUCHERE said, he understood the right hon. Gentleman to say it was his intention to bring forward a special Motion on the subject of the petition. If so, of course it was only perfectly regular that it should be printed with the Votes. If he was correct as to the right hon. Gentleman's intention, he should only rejoice as much as the right hon. Gentleman himself could at the House having an opportunity of discussing the question.

Mr. THORNELY, as the Chairman of the Committee on Petitions, could inform the right hon. Gentleman (Mr. Herries) that so important a petition as the one he had presented, was always, in the usual order printed, with the next day's Votes. It would, therefore, be totally unnecessary for the right hon. Gentleman to make a special Motion that it be printed.

Mr. HERRIES said, that he was perfectly satisfied with the statement of the hon. Member (Mr. Thornely), and he should therefore withdraw his present Motion.

Motion, by leave, *withdrawn.*

THE ARMY—EXAMINATIONS AT SANDHURST COLLEGE.

Colonel REID wished to ask the right hon. Secretary at War whether it was intended that the examination of candidates for commissions in the Army should continue to be conducted by the Professors at Sandhurst College, who were the authors of manuals and other publications of a similar character upon subjects on which the candidates were required to be examined? also, whether he intended to propose to the House during the present Session the appointment of "Captains of Instruction" in regiments of cavalry and infantry? also, what would be the cost of this addition to our military establishment, and whether it would not amount to at least the sum of 30,000*l.* per annum?

Mr. FOX MAULE, in reply to the first question, said, that he had already stated, in the discussion on the Army Estimates, that he entirely disapproved of the examination of officers being conducted by those who were authors of manuals prepared for the purpose. He had represented the state of the case to the authorities at the Horse Guards, and their attention was directed to it. With reference to the other question, he thought the hon. and gallant Member had rather taken up a mere suggestion which he (Mr. Fox Maule) had thrown out during the discussion on the Army Estimates, as if it were a plan entirely arranged. No such plan had been decided on at present. It was only an idea of his, to enable officers who had to go through a somewhat strict examination, to be in some manner prepared for it by passing through a preliminary examination. He was able now to state that the Commander-in-Chief did not intend to insist on any officer passing his second examination who had not passed a preliminary examination on getting his commission; but if any officer chose to pass through a second examination, in order to bring his name more prominently forward for promotion, there would be no objection to his doing so. But whenever an officer who had once been examined came to be in the position of getting promotion to a troop or a company, he would be expected to pass through another examination. With regard to the question on the point of the expense, it was impossible at present to give an accurate answer, but he did not believe it would amount to anything like the sum which the hon. and gallant Gentleman had named.

ARMY LIST.

Colonel CHATTERTON: Seeing the right hon. the Secretary at War in his place, I beg to repeat my question of the 15th instant, whether he has any objection to have inserted in the Army List the names of those officers who have received the Waterloo decoration but have since retired from the service, as the names of every Peninsular officer under similar circumstances is therein placed?

Mr. FOX MAULE feared the proposition of the hon. and gallant Officer would be attended with inconvenience, from increasing the size of the Army List, but he would further consider the matter.

Colonel CHATTERTON: I venture to suggest the expediency of only inserting those names periodically, which will obviate every inconvenience.

NAVIGATION LAWS.

Mr. PRINSEP asked the President of the Board of Trade whether he would lay on the table of the House copies of the memorial sent to the Board of Trade by the sailors from different ports in the country, complaining of the operation of the Act repealing the Navigation Laws? It was desirable that the House should see these documents before discussing the right hon. Gentleman's (Mr. Herries') Motion respecting that Act.

Mr. LABOUCHERE said, that many of the memorials in question were couched in almost identical language with each other; and if the hon. Gentleman would call at the Board of Trade, and select which of the memorials he wished to have printed, there would be no objection to his doing so.

THE ST. ALBANS WITNESSES.

The Serjeant-at-Arms attending this House being called upon to give an account of what had been done in execution of the Orders of the House, of the 7th day of this instant April, for taking into his custody George Sealey Waggett and John Hayward; and of the 8th day of this instant April, for taking into his custody James Skegg and Thomas Burchmore;

The Serjeant-at-Arms stated, that he had done all in his power to execute the Orders of the House, for the apprehension of George Sealey Waggett, John Hayward, James Skegg, and Thomas Burchmore, and that he had directed the Inspector of Police to search for the abovementioned persons in every quarter where they were likely to be found, and that no efforts had been spared to apprehend them, but he had entirely failed in every attempt he had made to discover them.

Lord JOHN RUSSELL, in pursuance of the suggestion, when this matter was before the House on a former day, as to the course to be taken if these parties were not apprehended within a reasonable time, now gave notice that on the next day he would move an Address to the Crown asking that Her Majesty would be graciously pleased to issue a proclamation offering a reward for the discovery and apprehension of the above parties.

Committee, to consider of an humble Address to Her Majesty, that She will be graciously pleased immediately to issue Her Royal Proclamation, with such reward as Her Majesty shall think proper, for discovering, apprehending, and detaining George Sealey Waggett, John Hayward, James Skegg, and Thomas Burchmore, *To-morrow.*

METROPOLIS WATER.

Sir GEORGE GREY rose, according to notice, to move that leave be given to bring in a Bill for the better supply of Water to the Metropolis. He considered that it would be unnecessary to occupy the time of the House with any details in reference to the various inquiries, both by Committees of that House and by Commissions acting under the authority of the Crown, into this subject. The information collected by those Committees and Commissions had long been in the possession of the House, and the Report of the Board of Health, acting also under the authority of that House, had last Session laid before the House a mass of information on the subject; and he needed only to refer to it in general terms, without quoting any of the evidence which they had adduced in support of the proposition, which he believed now would be generally admitted, namely, that some extensive change was necessary in the mode of providing for a supply of water to the metropolis, with the view to ensure what was essential to the health, the convenience, and the comfort of its inhabitants—an adequate supply of good and wholesome water. There was one other point also with which he did not think he needed long to occupy the time of the House. In answer to a question put to him some time ago on this subject, he stated that, while the Government was not then prepared to submit a Bill on the subject, it had yet received much of their consideration, and they had come to the conclusion, that the principle of competition could not be trusted to in order to secure those objects which the Government and the Legislature desired to provide. On this subject now there appeared to be a general admission, that, looking at all the facts of the case, and after the practical experience we had had, that competition could not safely be trusted to attain that object. The result of all the inquiries was, that when Parliament granted Bills to private water companies, this object was not attained. For a time a competition, and a fierce competition, arose, leading to the reduction of rates to a low amount; but the necessary consequence was, that the competition being ruinous, the parties concerned combined together, and made an arrangement to protect their own interests, by which no competition was practically admitted. The metropolis was divided into nine districts, each district being assigned to a separate company, and these companies provided all the supply for the whole of the metropolis, at different rates of cost to the consumers, according to the discretion of the different governing bodies belonging to the companies. These governing bodies were irresponsible in their administration as to the sources whence the water was derived, and, consequently, as to the quality, and irresponsible as to the mode of service, and the cost of the supply furnished to the consumer. The first question, therefore, which arose in that case was this, whether they should adhere to the existing system, or whether an essential change was not necessary with regard to it? On this point he would say no more, because it admitted of an easy solution; and he apprehended there would be no difference of opinion on it in that House; so also he would dismiss the question of competition and its practical results. They arrived, then, at the next important question—What substitute was it the duty of the Government to propose, and Parliament to adopt, for the system the evil effects of which had been pointed out in the Reports of the various Committees and Commissions to which he had briefly referred? Now, this was a question of a very different nature, and one that involved very great difficulty and embarrassment. We had on this subject the elaborate and able Report of the Board of Health—presented to the House in the course of the last Session of Parliament; the evidence on which that Report was framed being subsequently presented, and having been placed in the hands of hon. Members at the beginning of this Session. That Report and the evidence having received the ample consideration of the Government, he was now prepared to state to the House the course which they thought it right to propose in dealing with this question. In referring to the Report of the Board of Health, for the reasons he had stated he should pass over the greater part of that Report, which comprised a great deal of evidence as to the effects of the present system, and which, he thought, tended to demonstrate the conclusion, which was now generally admitted to be a sound one, namely, that the system hitherto pursued had failed in effecting the objects for which Parliament had sanctioned its adoption. The first material point in the Report of the Board of Health as a recommendation, was, that all the existing sources of supply should be altogether and absolutely abandoned; and that the water to be derived for the supply of the metropolis should be sought for from altogether new and untried sources. He referred to this because he did not intend to ask the House, in the Bill he was now about to introduce, to pledge itself at all as to that question. That question was not yet in a state in which the Government could ask the House to express a decided opinion upon it, or finally to adopt any scheme founded on any such opinion. The Board of Health, the House would recollect, recommended in the first instance, as the result of inquiries and surveys made under their direction, that the existing sources should be altogether abandoned, as incapable of supplying water of that quality which was necessary and essential for the metropolis. They recommended, as the result of their inquiries, that recourse for supply should be had to the tract of country near Farnham and Bagshot—that the water for the metropolis should be rain water, collected together in gathering grounds, and supplied by pipes for the use of the inhabitants. At a subsequent period, the Board of Health reported that further inquiries which they had made had led to a modification of that opinion. The evidence on these subsequent inquiries was before the House, and the modification of opinion was—that while they thought the existing sources of supply ought to be altogether abandoned, and considered that recourse should still be had to the same districts referred to in their original Report; they were convinced that instead of rain water, collected together in gathering grounds, sufficient spring water might be found in these districts, which, by means of pipes, might be brought to and distributed through the metropolis. He would not further advert to this part of the recommendation of the Board of Health, except to say he thought that the modifications of the recommendation they felt it their duty to make, as the consequence of further inquiry, suggested caution and circumspection, in abandoning all the sources of the supply of water to the metropolis on which we had hitherto depended, and having recourse to new sources, without the fullest and most deliberate consideration, and without the largest information which could be obtained. With that view, Government felt it to be their duty, towards the close of last year, to refer copies of all the documents in their possession on the subject to three gentlemen of acknowledged eminence—Mr. Graham, Dr. Miller, and Dr. Hofman, who were requested, after fully considering the whole of the documentary evidence laid before them, including the evidence taken before a Select Committee of that House on the Lea River Trust Bill last Session—evidence given by men of great authority—to report on the chemical quality of the water now supplied to the metropolis, and of the water derived from the sources indicated in the Report of the Board of Health, and on other questions bearing on the subject. The object of that inquiry was to assertain to what extent, if any, the existing sources of supply might be retained; and how far the quality of the water might be improved by filtration or otherwise; and also to what new sources of supply recourse should be had in case they were driven to seek for absolutely new sources of supply. He had hoped that this inquiry would be completed before it became his duty to submit to the House, on the part of the Government, a Bill for providing a better supply of water for the metropolis; but the analyses required, and the minute investigations which it was necessary to insititute, had hitherto prevented these gentlemen from making a Report on the subject. Instead, therefore, of waiting until this was received, he had thought it better, looking at the Bills which were pending to carry out objects sought to be effected by various companies, at once to lay before the House an outline of the scheme which Government thought it expedient to adopt. The Bill which he should ask leave to introduce would not call upon the House to express any opinion with respect to a question which he must still consider unsettled, but it would empower the Government to enforce on those parties to whom the future administration of the supply of water to the metropolis was to be confided, the obligation of obtaining supplies from those sources which might ultimately be found the best for the supply of water, both as to quantity and quality. Passing by this part of the recommendation, he came now to the machinery which the Board of Health proposed as a substitute for the existing machinery of the nine companies which occupied the whole of what was generally termed the metropolitan district, each occupying a separate portion of that district. The recommendation of the Board of Health was, that instead of there being a plurality of boards of management, each with its staff of official persons, there should be one combined board; and he thought that on this subject the reasons they had adduced were cogent, and entitled to weight and consideration. He thought they had shown, as other inquiries had shown, the advantage—instead of having a plurality of boards of management, dividing the metropolis into different districts, charging different rates, and furnishing water of very different quality, and each having its separate establishment—of one combined management, the effect of which would be to ensure increased efficiency in the mode of providing the supply, and a diminution of the cost. The principle of the Bill which the Government recommended, was not that the whole of the existing companies should be met by a rival company, or superseded by a Government board, but that the stock of the existing companies should be valued, its amount ascertained, and, that having been done, that the companies should be consolidated and placed under effectual control. The Board of Health further recommended the extension of the provisions of the Public Health Act to the metropolis, with such alterations as might be required by special circumstances. The provisions of that Act had been applied in other cases with great success and benefit, either where municipalities already existed, or where the population of the district was not too large, or extended over too wide an area. But as soon as the Board of Health had made that recommendation, they felt themselves obliged to depart from it, owing to the essential distinction which existed between the metropolis, with its immense area and population, continually increasing in extent and numbers, and other cities and towns of the kingdom. The Board of Health in their report, page 285, stated that—

> "The general course of legislation for the improvement of local administration has of late been to consolidate local administrative bodies and extend administrative areas; to insure the individual attention of competent and responsible paid officers; to protect and secure rights of appeal to minorities; to raise new securities for protecting public interests against the narrow selfishness which is apt to predominate in small communities. The consolidation of old and creation of new local administrative bodies under the Public Health Act are analogous in principle to the consolidation of old functions and the creation of new local administrative bodies under the Poor Law Amendment Act. The application of the like administrative machinery to the metropolis appears to us, however, to be precluded by its vast magnitude and extensive relations, by the necessity for works as extensive, which must, for the sake of efficiency and economy, be under one and the same control, as being extraordinary in their nature, and requiring special qualifications and undivided attention for their superintendence and execution. Any attempt to execute the proposed works for the capital by the administrative machinery which is sufficient for provincial towns, would open new and large political questions, the settlement of which and the getting any such new administrative body or bodies into action for the metropolis, would, we apprehend, greatly delay the application of remedies, and prolong the sanitary evils of the population. We are, therefore, unprepared to recommend any deviation from the usual course, that, namely, of making a special provision for the metropolis. We must, however, express a decided opinion that, under the existing circumstances of the metropolis, public responsibility to the ratepayers will be best secured through Parliament."

The recommendation in the passage he had quoted, and in others with reference to the Public Health Act, was, that the principle of that Act should be adopted to this extent—that there should be one combined management for one locality, applicable to the supply of water to the inhabitants within that area. But when they came to the other principle—that the administrative body should be a representative body acting for the locality, or created for this specific purpose in any given district—they were then compelled by the circumstances of the case to depart from that recommendation; and substantially their recommendation amounted to this—not the adoption of the principles of the Public Health Act, as carried out in other cities and towns, but the creation of a Government board of salaried officers, to whom the administration of the supply of water should be entrusted, and who should have all the necessary powers vested in them by Act of Parliament, both for procuring the supply of water, and providing for its service and distribution throughout the metropolis; as also for raising the necessary funds, whether by rate or by borrowing on the security of the rates; and generally of providing for all the purposes indispensable to the adoption of their scheme. It had been admitted by all those who had paid much attention to this subject that there were but three modes in which the object in view could be attained: the first, by some agency such as that which now existed; the second, by some municipality or *quasi*-municipality; and the third, that which was recommended by the Board of Health, a Government board acting under Government control, and subjected to Parliamentary supervision, for the due execution of this service. This did not mean, however, that direct responsibility to Parliament which arose from members of the board sitting in Parliament, and answering questions addressed to them as to the performance of their duties, but that the board should consist of officers appointed by Government, and responsible, through them, to Parliament. The objections to this plan were formidable, and Government had not been able to satisfy themselves of the necessity of proposing or recommending to Parliament a board of that nature, consisting of salaried officers, paid by the Government. The supply of water had been hitherto managed by companies acting under powers entrusted to them by Act of Parliament, and which had existed for many years past. He was not prepared to deny that the Board of Health were right in suggesting their plan as the one which appeared best to them in the abstract; and he did not doubt that if they were dealing with this subject as a new one, irrespectively of the machinery established for a long series of years—irrespectively also of the habits which now existed, and of the aversion to the interference of Government in matters of daily and domestic concern—the proposal made by the Board of Health might be the best in itself, and one which Parliament would do well to adopt. They could not, however, overlook the fact that they had now a complete distributing apparatus, belonging to existing companies, with hundreds of miles of pipes extending to every part of the metropolis, communicating to every house of which the occupiers paid the sums charged for the supply of water. There were, besides, officers of great knowledge and experience in the employment of these companies, well versed in all the details of the distribution. The whole difficulty of this case arose from the fact of there being no municipality, and from there not being, as stated in the passage to which he had referred, any easy or immediate means of constituting any representative system applicable to what was generally termed the Metropolis, including so vast an area, with the immense number of inhabitants whom it was requisite to supply. If such a municipality existed, if such a representative system could be provided, he had no doubt, as he said before, that the best way would be to act through its means, as in the case of Liverpool and other large towns, and that such an agency would, be more satisfactory to the inhabitants than any other system. But in the metropolis, such machinery did not exist; and at the present moment they were driven to choose between a Government board, as recommended by the Board of Health, and—he would not say a variety of companies, because he had already expressed his belief that that system was most objectionable, but—one company subjected to the control of Government and Parliament, for the attainment of an object essential to the comfort, convenience, and health of the inhabitants of the metropolis. On this question he knew that great difference of opinion existed. Without imputing any blame to the companies, and admitting that they had of late years made great improvements in the mode of supply, but thinking the system defective, acting as they did irresponsibly and without control, he knew that great objections were felt in some quarters to having any person employed in carrying out the measures now contemplated — who had been connected with the companies, which, theoretically competing but practically combining, had excluded competition, and, free from any check or control on the part of the Executive Government, had kept the supply of water entirely in their own hands. The Metropolitan Sanitary Association referred to a communication received by their Committee from Mr. John Stuart Mill, to whose opinion they deservedly attach weight, though he stated that the subject was one much more of public policy than of political economy. His opinion had been asked with reference to the views expressed by those who objected to the representative system, and also the system of management through the different water companies. The only passage he (Sir George Grey) should read from the letter of Mr. Mill was the following:—

> "The principle of Government regulation I conceive to be indisputable; but it remains to be considered whether the Government may best discharge this function by itself undertaking the operation for the supply of water, or by controlling the operations of others. It is quite possible, especially when private companies have long since established themselves and have taken possession of the supply, that the most eligible mode of proceeding might be to leave the operations in the hands of the companies, prescribing such conditions as to the quantity and quality of water, convenience of supply, and rate of charge, as to insure the best provision at the cheapest rate which local facilities and the state of science and engineering may admit of. If the saving to be obtained by a consolidation of establishments and of works be a sufficient reason against keeping up a plurality of companies, it might be expedient to intrust the whole to a single company, giving the preference to that which would undertake to conform to the prescribed conditions at the lowest rates of charge."

He quoted that to show that Mr. Mill, a high authority in the opinion of Gentlemen who differed from the Government, affirmed the principle of the proposition he (Sir George Grey) had made, stating that it was not only admissible, but that there were strong grounds to recommend it. The principle of the measure he asked leave to introduce was the consolidation of the nine existing companies into one company, the stock of which should be valued either in the mode proposed by the Board of Health, or in some other mode to be provided by Parliament. The mode proposed was by arbitration; and the stock having been ascertained, they should be charged with the whole of the supply throughout the district occupied by the nine existing companies, and should be entitled to a limited dividend only on the ascertained amount of the capital stock, provision being made for the limitation of the rates charged to the consumers, and the company being subject to the control of Government and Parliament, with power reserved to Government to purchase up the rights of the company at a fixed rate. The Bill would create, in lieu of the present capital, a consolidated capital stock, the amount to be determined and apportioned to the several companies by arbitration. It was proposed that the dividend should be limited in the first instance to 5 per cent, that it should never increase beyond 6 per cent, and that no augmentation beyond 5 per cent should take place until the rates of supply throughout the metropolitan district should be reduced to the scale in the schedule annexed, which was lower than that of the present supply. As to new works for the improvement of the supply, the company would be empowered by the Bill to raise money for that purpose. When the income derived from the existing rates was found to be more than sufficient to defray the current expenses, then the rates should be reduced, power being given to the Treasury from time to time to reduce them, and the public getting the benefit of the reduction. It was proposed, further, that power should be given to the Secretary of State to direct the company to procure a new supply of water from any source which the result of the inquiries in progress should point out as desirable; the company having to take the necessary steps to obtain powers for that purpose from Parliament. He had now stated the general outline of the measure, its object being to secure a constant and continuous supply of water for domestic purposes, as recommended by the Board of Health, and at a moderate rate. The Secretary of State was also authorised to require the company to furnish such water as might be needed for the cleansing of the metropolis and for sanitary purposes. There would also be provisions with reference to a supply of water for an inferior class of houses. There would be provisions securing an audit of the account of the company by the Commissioners of Audit, and empowering the Treasury to revise and reduce the rates at which the consumer could obtain a supply of water. A very considerable saving would be effected by a consolidated management, instead of a management of nine boards, with their respective staffs. There would be also increased efficiency in the management, and responsibility to Government, and Parliament, with the means of enforcing an adequate supply of water to the metropolis from the best sources, and security for the audit and publication of accounts. There would also be a reduction of expense to the consumer. The arrangement proposed was in the nature of a contract made by the Government with the company; and he had very little doubt that if the existing companies were out of the way altogether a new company might be found willing to undertake the supply. He must say the Government thought it but fair, if the water companies were willing to accept the proposed terms, and to perform faithfully the contract into which they would be called to enter, that they should have the first offer of that contract. He had recently communicated to the various companies an outline of the scheme proposed by Government, with the view of eliciting from them their opinions upon the subject, and he must say that that communication had been met in a fair and reasonable spirit. They stated that they had no preliminary objection to the plan of the Government, but that they were not in a condition to give their consent to the measure till they had an opportunity of considering it in all its details, after the Bill had been laid on the table of the House. Some of them, no doubt, had stated objections to certain details of the scheme, but he did not think any of them had objected *in limine* to the proposal. What he asked now of the House was leave to introduce the Bill, in order that the water companies and the public might have an opportunity of examining the details of the plan. The Bill, he apprehended, would be of the nature of a mixed Bill, partaking both of a public and private character; and it would be his duty to propose that after the second reading the Bill should be sent to a Select Committee, where all matters of detail would be considered—the mode of amalgamation, the principle on which the valuation of the companies' property should be carried out, and many other points which would properly come before them. It was of the greatest importance, indeed, that every part of the measure should undergo the most careful investigation before a Committee of that House, and that this should take place at the earliest possible period. He therefore moved for leave to bring in a Bill for the better supply of Water to the Metropolis.

SIR JOHN JOHNSTONE wished to say a few words, as he happened to be a shareholder in the New River Company, and had lately become a director in that company by virtue of the share which he held. He stated this to show that he had a personal interest in the question before the House, though he trusted his personal interest would never prevent him acting as he ought to do with regard to the subject-matter now before the House. He would say at once that the metropolis had a right to the best supply of water that could be given, both as regarded quantity and quality. He would be ready to acquiesce in any plan for effecting that object that a Committee of the House might consider right, and he had no doubt he would be seconded in that view by the members of the board with which he was connected. He thanked the right hon. Gentleman (Sir G. Grey) for the disposition he had shown to do justice to the water companies, and for exhibiting a desire not to destroy unnecessarily the vast property of those companies, which other parties, perhaps, might not have been disposed to exhibit. As he understood the proposal which had been laid before the House, the Government had well considered the requirements of the public; they stepped in to prevent any unnecessary outlay of capital and destruction of property if the end sought for by the public—viz., an ample supply of good water—could be secured through the agency of the existing companies; and the principle upon which they had acted seemed to be a very good one. He begged, however, to say a few words relative to the company with which he was connected, his share in which had come to him by inheritance, and was, he might observe, of the nature of a freehold, giving votes in two counties. Many things had been advanced against the London water companies, which were not true, though there might be a foundation for some of the charges on which the great superstructure of blame had been raised. With regard to the New River Company, he might say that for some years their proceedings had always tended to a better and cheaper supply of water. A sum of 300,000*l.* had been spent for that purpose on their works since 1834, a considerable portion in reservoirs for subsidence. Some persons considered that subsidence was not equal to filtration, but this was a point about which great difference of opinion prevailed. No sewers were now permitted to go into the New River channel, being carried under the bed of the river in conduits. The inference to be drawn from certain writers on the subject would lead the public to believe that the case was otherwise. The fact was as he had stated it. As to the rates, they had been greatly reduced with respect to the lowest class of houses. They were 6*s.* for two-roomed, and 9*s.* for three-roomed houses, whilst 7*s.* 6*d.* was paid on a similar class of houses in Nottingham. Out of 83,000 houses which they supplied, there were but 2,835 supplied by stand pipes, whereas out of 11,000 houses in Nottingham 7,942 were supplied by stand pipes. Instead of a supply of water three times a week, they now gave a daily supply. The cost of carrying out that arrangement was 40,000*l.* If he deducted the charge for the high-water service, the average cost per house was not more than 25*s.*, which was not a very high rate. They did not receive more than 4½ or 4¾ per cent dividend on their capital. They were pledged to carry out the last of the suggestions of the late Mr. Telford for getting water from Tottenham mills, which would be at a cost of 30,000*l.* They proposed also to lay out a large sum of money, either in filtering the water, or in using Dr. Clark's process for purifying and softening it, if it was considered to be the more eligible plan. With regard to the giving a constant supply of water, Mr. Lindley had lately surveyed their waterworks with a view of accomplishing that object. Their present works were not sufficient for the purpose, but they had no objection to make their works more extensive to carry out the principle of a constant supply. They were shortening the course of the river by about twelve miles; and for all these objects powers were asked by the Company in their Bill now before Parliament. It might be objected that they had delayed long in making these improvements; but the truth was they had been cramped by the proceedings of the Board of Health. It was impossible for them to be laying out large sums of money till they knew what course the Government would take on the report of their subordinate Board, and what new sources of supply might be indicated. The Company were disposed to do everything that was required. They had a district which was every day becoming more populous, and they were almost obliged to turn away customers, on the outskirts of their district, lest they should interfere with the supply of their ordinary consumers. They were seeking to obtain more water from the river Lea, which would, he believed, when filtered properly, prove the best source of supply for the north of London. Having thus stated what this company had been and were doing, he wished to make a few observations upon the plan now proposed by the Government. The right hon. Gentleman (Sir G. Grey) proposed, as he (Sir J. Johnstone) understood, to amalgamate under one board all the existing companies, with the view of applying what might be saved in management to the effecting of improvements, and to the diminishing of the charge for supply. The New River Company were quite disposed to meet the question of amalgamation in a fair spirit. He quite agreed with the right hon. Gentleman as to the value of amalgamation under certain circumstances; but he really did not see what there was to prevent that House from passing a Bill which would tie down each company to certain rules and regulations relative to supply, in a manner similar to that in which it was proposed to deal with the companies when amalgamated in one body. Supplying as it did one-third of the metropolis, the New River Company felt that it was large enough to be put under separate control; though at the same time they did not deny that the public might derive advantages from amalgamation, supposing a large saving in expenses could be thus obtained. He rejoiced that a Committee was to be appointed. In Committee the company which he represented would have an opportunity of meeting face to face those who were concerned in what was called the Bagshot scheme, and of testing the merits of that scheme before a competent tribunal. There might be some truth in the statements which had been made on that source of supply; but he must say that the names of the engineers employed were not names to which the public would be disposed to look with confidence, or which would justify the House in at once adopting the scheme. Engineers who were quite as competent to form a judgment as the engineers employed by the Board of Health were of opinion that not more than 12,000,000 gallons of spring water could possibly be obtained from that district; and they declared that the surface water was inferior in many respects to that of the New River Company. All that was objected to in the New River water was a certain degree of hardness, and that might be removed: by boiling, it was softened down to about four degrees of hardness. In Committee they would be prepared to show that there had been a good deal of exaggeration, and that the waste of soap was very trifling. The company to which he belonged would give the whole subject their best consideration; and no personal interests would prevent him from taking that course which he should deem best in reference to the metropolitan water supply.

MR. BAILLIE COCHRANE said, that if the water companies had now shown themselves fair and reasonable, it was the first time in their existence that they had done so, and he could only look at the Bill before the House as one to strengthen the injurious monopoly now possessed by those companies. He wished to ask the right hon. Secretary of State, who had been consulted in the drawing up of this Bill? Had the Members of the Sanitary Commission been consulted, or those of the Board of Health? In speaking of the Board of Health, he meant to leave out the name of the First Commissioner of Woods and Forests, because it appeared that he was a member of no less than sixteen Commissions; and the Earl of Carlisle, in his evidence, in 1848, said that it was impossible to fulfil the multifarious duties imposed upon him in his official capacity as First Commissioner of Woods and Forests; but he wished to know whether the other commissioners—Lord Ashley, Mr. Chadwick, and Dr. Southwood Smith—had been consulted in the drawing of the Bill? There had been no fewer than three Commissions appointed by Government to consider these important questions connected with the sanitary state of the metropolis—the Health of Towns Commission, the Metropolitan Sanitary Commission, and the General Board of Health; and he would remind the House that the members of all these Commissions were in favour of taking this monopoly out of the hands of the present companies. The hon. Member who had just resumed his seat said, that the conduct of the water companies, up to the present time, had been fair and reasonable; but he (Mr. Cochrane) would refer the House to the Report of the General Board of Health, from which it appeared that nothing could be more fearful than the misery under which the lower orders in the metropolis suffered from the want of an adequate supply of water. He did not think such a Report could have been produced in any other country. The hon. Member had stated that it was only a question of the relative hardness or softness of water; but was he aware that the evidence taken before the Central Board of Health showed that there were now 18,000 houses in the metropolis without any supply of water? and that their inhabitants had to get their water from sewers full of foul matter, or to purchase it at neighbouring public-houses at so much a bucketful? The hon. Member (Sir John Johnstone) said that he thanked Her Majesty's Government for this Bill; and it was precisely for that reason that he (Mr. Cochrane) thought this Bill was so objectionable. The conduct of these monopolists had been the same from the first moment of their existence—always making the fairest promises, but never fulfilling them. Under the Health of Towns Act, water was supplied in the larger towns at 2*d.* a week average, while the average cost of the supply in London was 7½*d.* per week; and this had gone on in spite of the promises and assurances which these great monopolist companies had given from time to time. The right hon. Baronet (Sir G. Grey) had quoted from a pamphlet of the Metropolitan Sanitary Association, but he had not referred to the opinion of that association with respect to the manner in which the metropolis had been supplied with water. They said—

> "We deem it our duty to represent to your Lordship that the persons who assume to be the parochial representatives, and contend that the management of these great works should be in the hands of the parochial authorities, are the very persons who declaimed against the Public Health Act, who strenuously opposed the extension of its provisions to the metropolis, and exerted themselves to the utmost of their power to prevent its introduction into other towns, and even presumed to intrude their opposition to sanitary precautions during the horrors of a pestilence, and expressed bitter hostility against the most active promoters of sanitary improvements; and they now claim to superintend the carrying out of the measures adopted by the Government, and sanctioned by the Legislature, in spite of their opposition."

What was the object of appointing all these Commissions if their advice was not to be taken, and if the powers of these companies were to be confirmed—the nine smaller monopolies being concentrated into one huge monopoly? Why, these companies had already attained the point at which the right hon. Baronet aimed by his measure. They began with competition, and had ended with combination; and all that he proposed to do was, to strengthen that combination, under which the inhabitants of the metropolis were now suffering. The hon. Baronet the Member for the Tower Hamlets (Sir William Clay) well knew how much the inhabitants of the metropolis were dissatisfied with the present system, and there was nothing in the Bill of the Government which could give him (Mr. Cochrane) confidence that the misery under which the lower orders were now suffering from these monopolies would not be continued. These companies claimed compensation — compensation for what? Was compensation given to the canals when the railways were started? or to the roadside inns when the traffic was taken off the roads, and turned into a different channel? or to the sailing packets when the steamers were first started? The fact was, that if these companies had conducted themselves discreetly and properly, and with justice—he might almost say with common honesty—there would not now have been this well-founded outcry against the miserable system under which the metropolis was suffering. While the right hon. Baronet (Sir G. Grey) would destroy all other monopolies, he appeared to pride himself on keeping up the one great monopoly of the water companies. The right hon. Baronet had voted in favour of free trade in corn, and against all monopoly in bread, but he appeared to be strongly in favour of a monopoly in the supply of water to the metropolis; while, in fact, the supply of water was more important to the metropolis than that of bread. If they started a company with such powers, and admitted such a monopoly, it would be impossible for the people to obtain water, except at a price which rendered it impossible for them to procure it in sufficient quantities for the ordinary decencies and necessaries of life. The Sanitary Association said—

> "We may be permitted, in conclusion, to express our belief that the measures which we have so much at heart have still higher purposes and tendencies than even the preservation of health. From all that we have learned in our intercourse with the great masses of the people of the country, we are convinced that these measures must precede and prepare the way for any great and permanent improvement in the moral, social, and religious condition of the people."

That was the language of the Sanitary Commission, of the Central Board of Health, and of all those Gentlemen who had been appointed by the House of Commons to investigate this question; but it was language which had not been listened to by the right hon. Baronet, whose object, in fact, in the present Bill, was to perpetuate a very baneful monopoly.

Mr. HUME did not wish at that moment to use words of hostility towards any party. The hon. Gentleman who had just sat down had exhibited rather too much warmth against the water companies, forgetting that if any party were to blame it was that House, which had given powers to be abused. On one great point they were all agreed, namely, that there should be an improvement in the supply of water, both as to quantity and quality. When the West Middlesex Water Bill was introduced in that House, great opposition was made to it; but he (Mr. Hume) supported it with the understanding and pledge that the company should be a competing company, his opinion being that competition was the only fair and proper means of securing a reduction of prices. A clause was introduced into the Bill to prevent combination with any other company. After a ruinous competition had been carried on, the West Middlesex Company applied to Parliament for the purpose of getting the clause struck out of the Bill. Mr. Smith, the chairman of the water company to which the hon. Baronet (Sir John Johnstone) had alluded, was chairman of the Committee upstairs, and in spite of his (Mr. Hume's) opposition, the clause was struck out. The result was, that one or two companies met and divided the metropolis into districts. Now, the question was, whether these objects could not be attained consistently with the regard due to existing interests, and also in such a manner as would benefit the public. He thought that the plan proposed by the right hon. Baronet was attended with great difficulty; the responsibility of Ministers checked by the House of Commons was practically nothing. Then with respect to compensation—were these companies to be compensated for the capital which had been wasted in a ruinous competition, or according to the amount which it would cost, to lay down an equal extent of pipes at the present time? He saw great difficulty in keeping any check on the expenditure of the amalgamated companies, or upon the charges; nor could he see what security the public would have for good management. He had no confidence in a check by Government Commissioners or by Parliament; and he believed that the only way by which the supply of water to the metropolis could be increased, and brought down to the rate at which it was supplied to the larger towns, was by allowing the competition of new companies, with new capital, and deriving their supply from new sources. The monopoly of the supply of gas to the metropolis had been broken up (and we were now served with gas at a fair rate), not by Government taking the different gas companies into their hands, but by allowing other companies to come in, and then the existing companies reduced their terms. He did not oppose the introduction of the Bill, nor the companies doing their best, as they were entitled to do, to avail themselves of the powers which Parliament had given them. The inquiry before a Select Committee might point out some way by which to attain the desirable objects to which he had referred; but he feared that any interference on the part of a Government board would be a failure. He knew that there were now two or three new companies ready to come forward and compete for the supply of the metropolis with water from new sources; but they were deterred by the expense of a Parliamentary contest with the existing companies. That had hitherto prevented the increase of the supply; but if Government would show that they were determined to have this supply, he had no doubt that they could make better terms with the existing companies, and admit new ones.

Sir BENJAMIN HALL said, that there could be no objection to the introduction of the Bill, but he thought those who seemed most satisfied with it were those represented by the hon. Baronet (Sir John Johnstone) and other Gentlemen in a similar position. The hon. Baronet the Member for the Tower Hamlets (Sir William Clay) assented, he believed, to the statement that there should be new sources of supply— [Sir William Clay: Hear, hear!] Why, then, he asked, had not the existing companies brought water from these new sources? Why had they delayed to the last moment, and until it was absolutely necessary, taking any steps for supplying the wants of the metropolis? He objected to paying the shareholders in these companies the full amount of the capital which they had expended, for if the Report of the Sanitary Commission was carried out, as he hoped it would be, and we were no longer to have the present filthy sources of supply, the effect would be that a great part of the stock of these companies would be of no use or value. During his Parliamentary career many Bills had been introduced into Parliament to improve the water supply of the metropolis; but they had invariably been opposed by the existing water companies. Last Session, two or three Bills were postponed at the suggestion of the Government, till it was too late to proceed with them; and he contended that they were thrown over merely for the purpose of continuing the monopoly to the water companies. If these companies were amalgamated together, as proposed by this Bill, it might, perhaps, cause some saving in the expense, but it would make the companies more powerful than ever. Instead of perpetuating the evils that at present existed, every inducement should be given to parties coming forward to abolish the monopolies which had existed so long, and had made vast returns to their shareholders at the expense of the community. He questioned whether this Bill would not, in some instances, do more harm than good; but as there would be an opportunity of discussing the whole question in Committee, and no doubt there would be petitions from the various parties praying to be heard there, he should say no more at present upon the question; but he must deprecate the conduct of the shareholders of these companies, who had been so long perfectly silent and inattentive to the wants of the metropolis, caring only for their own pecuniary advantage, without regarding the sanitary condition of the population of this large city.

Viscount EBRINGTON could not but express his regret that such a proposition as the one made to the House should have proceeded from a Government, to which, on personal and private grounds, he was so sincerely attached, and which, during the short time it had been in office, had done more for the cause of sanitary improvement than all preceding Administrations during many centuries. He could not help thinking that, in bringing forward the present measure, the Government had considered rather what vested interests would allow them to pass, than what the rights and interests of the public would have dictated to them; and in this instance, as in the case of Smithfield market, had over-estimated the amount of opposition to which a sanitary scheme, based on sound and comprehensive principles, would be liable, and under-estimated the amount of support it would conciliate. He thought some of the Members who had addressed the House did not appear to have a correct impression of his right hon. Friend's scheme. That scheme, as he understood it, proposed to consolidate all the existing companies into one company; to vest powers in the Secretary of State for the time being to compel these companies to have recourse to those sources of water which the Government might indicate as the best; to determine by arbitration the amount of the capital stock which should be apportioned between those companies; and to vest the entire monopoly in them,—giving, however, to the Government a power to resume, on fixed terms, the whole plant and management of water supply, to be then administered either by the Government, or by some other body to be intrusted with the function. He would state some of the objections to this proposition. In the first place, this scheme proposed to give up a point of the greatest importance, and one which had been recommended by authorities of great eminence, and in official documents of the Board of Health—he meant the combination of water supply with drainage. Were he disposed to trouble the House with calculations, he might show, on practical engineering evidence, that there would be a saving of one-eighth in earthworks alone, from such a combination; but he put it to the common sense of the House whether these two functions, equally requiring survey of houses, earthworks, pipes, superintendence, and frequent stoppages of the streets and highways, should be separated. To use the illustration of the able writer in the *Quarterly Review*, they might as well place under a different management the venous and arterial systems of the human body. The only objection to their combination appeared to consist, as intimated by his right hon. Friend (Sir George Grey) in the vastness of the metropolis, the great extent both of its area and population, and the large expenditure of money which would thereby be necessarily intrusted to one body. It was to be remembered, however, that a judicious consolidation of duties is always attended with diminished trouble and increased economy; but if the combination should be thought impracticable with respect to the whole of the metropolis, taken as one, then sound principle would dictate that the metropolis should be divided into two districts, one on the north side and the other on the south side of the Thames, and the combination carried into effect in each of those districts separately. Another great objection to the Government scheme consisted in the alienation of the monopoly of water supply from the community at large to private commercial companies. If there was any right, privilege, or profit in the supply of water to any community, that right, privilege, or profit ought essentially and indefeasibly to belong to the community itself. The hon. Baronet the Member for Marylebone (Sir Benjamin Hall), and the hon. Member for Montrose (Mr. Hume), referred to competition as the principle affording the only remedy for the evil of a bad supply of water; but in reference to that point, he would take the liberty of now repeating some remarks which he addressed to his constituents in a lecture delivered to them six or seven years ago. On that occasion, after explaining that—

> "It was necessary for the authorities to do and prevent much which the self-interest of the individual members would be powerless to accomplish: to keep up armies; to administer justice; keep up police, &c.;" he went on to say, "but, further, we have another modification with respect to the general application of the principle, for a long time too broadly laid down, that demand regulates supply in the most advantageous manner. In cases where, for the supply of a limited demand, the fixed capital invested bears a very large proportion to what is called reproductive or circulating capital, no effectual competition can take place. Unless the exorbitant charges provoke, or the exorbitant profits tempt, some other party to contend with the original ones for the occupation of the whole or a part of a field not large enough for two, the monopoly is complete, limited only by the willingness of the public to consume at the rate charged, and by the dread of the establishment of a rival party; as the probability of this latter occurrence varies, so will the prices; they will fall when the danger is imminent, and be slowly raised as it subsides. If another capital is invested, for a time competition is sharp; but before long the two parties find it their interest to coalesce, and to charge the public for a supply produced by the application of two fixed capitals, where one would have sufficed for the work, as high a price, on the same principle, and subject to the same limitations only, as those which affected the returns upon the original capital. A Committee of the House of Commons upon the water supply of the metropolis reported

> that the supply of water was not subject to the operation of the usual laws which regulate supply, and that it indispensably required legislative interference."

For these reasons, he believed, in opposition to the hon. Member for Marylebone, and the hon. Member for Montrose, that competition would not be a permanent remedy for the evils under which the community was suffering in respect to the supply of water; but that the matter was one which belonged more properly to the Government or to the municipality. The history of the existing water companies up to the present time showed that they all came forward with announcements of great deductions in their charges, and a desire to serve the public, and, that while the competition was sharp, those promises were kept; but by degrees they found it to be for their mutual interest to coalesce, and, as soon as a coalition was effected, the monopoly was rivetted only the more tightly. He was of opinion, for that among other reasons, that competition was not a permanent remedy for the evils under which they were suffering, and therein he entirely agreed with his right hon. Friend (Sir George Grey) who distinctly took up the position that the matter was one which fell more within the province either of the Government or of the municipality, and that it was not one in which the laws of supply and demand could be trusted to, to protect the public interests. God sent his rain alike on the just and the unjust. Water was one of the prime necessaries of life, and a deficiency in its supply must be attended, as was found by long experience, with results injurious not only to the health, but to the social and moral condition of the people. Therefore, on this ground, as well as on those of political economy, the water supply of any community should be taken out of the trading category and dealt with on different principles; and to alienate it for ever to commercial companies would be utterly indefensible. With regard to the question of compensation to be given to the existing water companies, he did not think their treatment of their predecessors, of each other, or of the public, until a very recent period, entitled them to any special liberality at the hands of that House. With regard to their treatment of their predecessors, it was notorious that the original founders of the water monopolies had their interests most unceremoniously dealt with by the corporation of London. The companies had always recognised the principle of competition; and the only limitation they had placed on that principle was the protesting against that competition being conducted by the public, and against any power of the Government being brought in aid of it. Among themselves, for a long time, they carried on a most fierce and extravagant contest, which resembled the famous "battle of the gauges" among the railroad companies. He submitted that they had no just claim to expect privileges and rights to be continued to them which they did not recognise in their dealings either with their predecessors or with each other. He did not desire to enter at present into the plausible but not very satisfactory defence of the New River Company made by the hon. Gentleman opposite (Sir John Johnstone); but there was abundant and convincing evidence to show that the supply of water by the existing companies was not at present satisfactory. Mr. Arthur Hassall, a celebrated naturalist, at p. 43 of the Appendix to the Water Supply Report, after describing the impurities and organic matter found in the water of the New River Company, said that—

> "The waters of those companies which derive their supplies from the Thames are some of them as bad as it was possible to conceive any water used as a beverage could be, abounding not merely with dead organic matter, but also with living animal and vegetable productions. Though all were in a very impure state, yet marked differences were observable in the degree of impurity. The waters of those companies which supply the Surrey side of the metropolis are far worse than those of any of the remaining companies. Bad as it is, that of the Grand Junction Company is yet the best of all the Thames water companies."

And besides Mr. Hassall's, there was the evidence of many other scientific authorities to the same effect. He would not recommend the water companies to put their rights or their claims on such a footing as to demand "the bond, and nothing but the bond," for in that case the public would be provoked either to press on the Government with irresistible force to deal in a very different manner from that which his right hon. Friend (Sir George Grey), proposed to deal with those companies, or to take the matter into their own hands and set up a company, to which, in that case, he would wish success—a Water Consumers Company, which would leave the existing companies to such a remedy as competition would give them—a company which would give a continuous supply of soft water at high pressure to the top of every house, and that at a far lower rate than the existing companies furnished an intermittent supply of hard and impure water to the standpipes, cisterns, and water-butts, which were required under the present defective system. The companies must not expect the House to pay them interest on all their past follies and all their past ignorances. He believed the House would be disposed, as usual, to deal liberally with existing interests in effecting a change of system; but he warned the water companies not to press their claims too tightly, lest the public should take the matter into their own hands, and deal with it in a way for which they were not prepared. The functions performed by water companies were public in their nature to a very great extent. When his hon. Friend (Sir John Johnstone) talked of the vested interests of the water companies shareholders and their securities being put in Schedule A, he (Viscount Ebrington) would ask him whether that did not equally apply to turnpike trust deeds? Their money was originally invested to provide for an essential public necessity at a maximum interest of 5 per cent, the minimum now proposed to be guaranteed to the water companies; and now in consequence of the construction of railways, the debenture holders, in many instances, were receiving little or nothing. He held in his hand official documents showing how, to use the language of the Stock Exchange, passive debts of upwards of 100,000*l.* had been converted into an active debt of less than 10,000*l.* He entreated the House to consider well before they dealt too liberally with a body of men who had not acted either in the manner required by the demands of the public health, or in a way at all conformable with their magnificent promises. He could hardly sum up his views better than in the words of the following extract from a pamphlet published by his hon. Friend the Member for the Tower Hamlets (Sir William Clay), who so ably represented some of the most influential water companies:—

> "There is no doubt that the water service should be, wherever practicable, vested in the hands not of individuals, but of some authorities, municipal or other, acting on behalf of the public. For thus vesting it there are reasons which seem to me to be conclusive. 1. A supply of water, abundant and of good quality, is so absolutely essential not only to the public health, but even to public morals, that it would appear on this account alone to fall within that class of functions which Government is bound to take upon itself. 2. There is a great and obvious convenience in the supply of water being vested in the same authority in any locality, as the paving and sewerage. 3. There is, perhaps, no other mode by which the public can be perfectly protected against the possible occurrence of some of those evils to which monopoly has been found to lead, and, at all events, the cost of water will, or ought to be, less to the consumer. To private parties the supply of water is a commercial enterprise—they have a right to look for rates which will not only pay current interest on the capital expended, but as much larger a return as will be a compensation for the risk incurred. This right is founded in justice, and must always be, as it has always been, recognised by the Legislature. 4. There is nothing in the character of a water supply which places it beyond the range of those functions which public authorities may conveniently discharge. There is no commercial acuteness required, no buying and selling, no watching of markets. The works once well formed, the carrying them on may be intrusted, not only without inconvenience, but perhaps with advantage, to one superintending officer, acting under the control of the governing authority."

He could not conclude without expressing his regret that the Government, embracing as it did more than one Member who had put their names to the able Report on water supply by the Board of Health, should have introduced a scheme so defective as the present.

Sir WILLIAM CLAY did not mean to detain the House at any length on the present occasion, but he could not avoid saying a few words in reply to the speech of the hon. Member for Bridport (Mr. Baillie Cochrane). In the first place, the hon. Gentleman had spoken of the promises held out by the water companies with which he (Sir William Clay) was connected. Now, he was not sorry to have an opportunity of correcting the misapprehensions which existed as to the degree in which he was personally responsible in the matter. The fact was that, although he held water company property, he had nothing to do with the management of water company affairs until some considerable period after the ruinous contest between the companies had ceased, and until the agreement complained of between the companies had already been carried into effect. He did not wish to be understood, however, as saying that he thought the companies wrong in the course they had taken, because he was precisely of an opposite opinion. He believed that, in the main, they had taken the course which common sense dictated, and which Parliament should have prescribed to them. When the hon. Gentleman talked of promises not having been carried into effect, he should recollect that the indefensible conduct which he (Sir William Clay) admitted had, in some respects, been adopted by the companies in the course of the ruinous contest which they had carried on, was the inevitable result of the competition in which they had been distinctly encouraged by the Legislature. For a period of nine or twelve years they were without the smallest return for their capital; and it was perfectly puerile to suppose that any party could be induced to continue competition under such circumstances. The hon. Member for Montrose (Mr. Hume) advocated competition; but the hon. Member stood almost alone, for everybody knew that the principle of competition could not be advantageously applied to a supply of water. Then, with regard to what the hon. Member had said about the price which was charged for water, he should understand, and the public should understand, that the price which the companies charged when the division of the town was effected, received the distinct sanction of a Select Committee of the House of Commons, which recommended that a Bill should be brought in legalising and sanctioning that price. That price did not for some time afford more than an exceedingly small return—not more, he believed, in any case than four per cent. That the companies had since prospered arose from the fact—not that they had broken through any understandings into which they were supposed to have entered with the House of Commons, but that the growth of the metropolis had increased their income without a corresponding increase in their expenditure. He agreed with the hon. Member for Bridport (Mr. Baillie Cochrane) in the imperative necessity that the dwellings of the humble classes should have a supply of water; but he denied that the inefficient supply had arisen from any fault on the part of the companies. It was not likely it should be so. They had a strong interest that every house, even the humblest, should be supplied—for it was obvious that if No. 1, and No. 5, and No. 10, in a street, lane, alley, or court, required water, and that the iron main was laid down, so far from being a disadvantage, it would be a positive advantage to the companies if every house and every room in these places were supplied with water on any—even the lowest terms—"the main" having been laid down, the expense of the additional quantity of water was comparatively trifling. The real cause of the insufficient supply was the reluctance of the owners of those small tenements, in which the humbler portion of the London population lived, to incur the expense of any water supply, however moderate; for those persons found themselves enabled to obtain a large interest on the outlay in those houses, without incurring any expense, to secure either with regard to water supply, or in other particulars the comforts of the occupants. He therefore denied that the smallest blame was attributable to the water companies on this head. Hence the necessity of a power existing somewhere to compel the use of water—a power which the present companies had never possessed. The right hon. Gentleman (Sir George Grey), in introducing the present Bill, had stated that he thought a power should be given to the authorities of parishes to compel the use of water; and he (Sir William Clay) might venture to add that he believed, there would be a corresponding power given to compel the companies to provide the necessary supply of water upon very low terms—he believed on terms as low, or lower, than in almost any other town in the kingdom. His hon. Friend the Member for Marylebone (Sir Benjamin Hall), when he (Sir William Clay) cheered his remark, that a fresh supply of water was necessary, took occasion to ask him why in that case the existing companies had not procured a fresh supply; and also why they had last year opposed the Bills which were introduced for that purpose? In reply to those questions he begged to say that the new sources of supply which were now proposed were not brought under public notice until the spring of last year, and that the opposition offered to the Bills of last year was perfectly justified by the report of the Board of Health, which stated that none of the new companies proposed to bring in better water than that which was supplied by the existing companies. As regarded the nature of the Thames water, he might refer to the report of the Royal Commission of 1828, which was composed of men of the highest medical and scientific eminence, and they distinctly stated that no water could be better or more proper for the supply of London than the Thames water, when pains had been taken to deprive it of adventitious impurities. [*Ironical cheers.*] Hon. Gentlemen might express their dissent, but he referred them to the report of the Commission to which he had adverted. The competition, therefore, could have been only to encourage competition in price—a competition, which would lead, in the first instance, to the pulling up of every street in London; and then, after a great deal of vexation and loss to the companies, and inconvenience to the public, end in a coalition, with matters no better than they originally were. With regard to the real and only question then before the House, viz., whether the plan proposed by the Government for the consolidation of the existing companies, and subjecting them to a regular and efficient Parliamentary control, was better than intrusting the water supply to a Government department, he wished to express no opinion in the abstract. His noble Friend (Viscount Ebrington) had done him the honour to quote a passage from a pamphlet written by him last year. Not one word of what he then stated was he inclined to retract. There were, in his opinion, reasons for placing the supply of water under the control of a municipal body, instead of leaving it in the hands of individuals. Whether or not the reasons which had induced the Cabinet to believe it impossible to establish a satisfactory municipal control in the metropolis were valid or not, he would not undertake to determine. The noble Lord (Viscount Ebrington) intimated that the plan proposed by the Government was not the result of the unbiassed judgment of the Government, but had been framed with a view to obviate interested opposition. If the noble Lord referred to opposition from the water companies, he was entirely mistaken on that point. Not only those companies had offered, and would have offered, no opposition to a scheme for placing the supply of water in the hands of Government, but, as far as depended on himself, he could say with perfect truth that he should prefer that arrangement to any other. The noble Lord, in alluding to the question of compensation, enlarged rather more than was necessary on the danger of the Executive Government and the House dealing too liberally with the water companies. Whatever might be the case elsewhere, it was not the wish of that House that the water companies should be harshly and unjustly dealt with. The water companies formed part of those remarkable associations so characteristic of England, by which all the greatest works in this country had been accomplished; and although they had, for several years, been charged with every species of abuse and malversation, they had not only, on the one hand, fulfilled all the obligations imposed on them by their acts of incorporation, and even laid out hundreds of thousands of pounds on objects which the Legislature had not required them to expend a farthing upon, but, on the other, they had abstained from charging what they were legally entitled to charge. All that was wrong with respect to the metropolitan water establishments was the work of the Legislature—all that was right was mainly the work of the companies themselves. It was through the agency of these now reviled companies that London had been amply supplied with water half a century before the other great cities of the world. It was stated in the newspapers that the metropolis had not a sufficient supply of water; but the noble Lord (Viscount Ebrington), who was a member of the Board of Health, must know that twice as much water was brought into London as it was possible to use. It was not the supply, but the mode of distribution, which was defective. If the practicability of a continuous supply of water were a settled question of practical hydraulics (and it could only be held to be so, as regarded the lower class of houses, not the higher)—nobody knew better than the noble Lord that the water companies had no power to enforce that system. If the system should form part of the Government plan, the utmost difficulty would be experienced in enforcing it, because it involved a strictness of regulation and extent of investigation into the arrangements of private houses to which the inhabitants of London had never been accustomed, and to which they would with great difficulty be brought to submit. There was no reason to suppose that the Executive or the House of Commons desired to deal otherwise than fairly towards the water companies; but, if the House should be inclined to act unfairly, he warned them that they could not injure the companies except at the risk of inflicting greater injury on the public. The question was one for compromise alone. If the question should be approached in a spirit of fair dealing on both sides, it could be settled on terms of equal advantage both to the water companies and the public; but if there were no compromise, hostility would be found disadvantageous to both parties. He believed the House would find the result of this measure, if carried through, would be to procure the very best water and its delivery in the very best mode, at the lowest possible prices at which such a supply of water could be effected. But, in conclusion, he would again say, that no means of hostility, or of inflicting injury on those companies, could be resorted to that would not result in higher water rates than would exist if a fair and just compromise were effected. He believed the Government took this view of the subject; and he should offer no opposition to the introduction of the Bill.

Mr. MOWATT said, he rejoiced in the disposition of the Government to deal with the subject, but was dissatisfied with the details of the measure they appeared to propose. He did not perceive that any specific provision was made for a new source of supply. Unless this was satisfactorily settled, it seemed that the existing sources of supply would be had recourse to, impure as they were—as, for instance, the Thames, the water of which was undoubtedly unfit for human consumption—and if the Government adopted these sources of supply, and the water with which we were at present not blessed but cursed, the result would be a perpetuation and a sanction of this most enormous evil. As to the surveillance of the Government upon a consolidated company, it was a mere *façon de parler*—an official evasion; for every one was aware how utterly inefficient any such surveillance would be. And he regretted that the Government had not rather resorted to the plan of an incorporation of the metropolitan parishes, and the formation of a board (in which each parish would have a voice) for the management of the supply, the raising of the funds, and the distribution of the water—thus securing, what was the real thing to be desired, that the distribution of the supply should be conducted under the responsibility of the consumers. As to compensation, it would be difficult to separate the real capital from the fictitious and the adventitious. It was, however, perhaps more important to remark, that if the Government were to be hampered with the existing machinery of the companies—if the Government resorted to a fresh supply of water—that machinery would be a heavy and useless burden upon them; and this consideration would be in itself a dangerous inducement to adhere to the existing impure supply.

Sir G. GREY, in answer to a question, said, that, although the Government had not consulted any member of the Metropolitan Sanitary Association, yet they had received from it, from time to time, full statements of its views, and had those views before them when the subject was under consideration. As to the Board of Health, the Government had in their possession the report of the Board of Health, and the evidence upon which it was founded, and had informed the noble Lord the Member for Bath (Lord Ashley), of the measure which was to be introduced. He desired to observe that he had drawn a distinction between companies exercising, merely by mutual arrangement, an absolute monopoly, without any control from Parliament, deriving their supply from any water at their own discretion, charging any rates they pleased—and such companies as were placed under effective Parliamentary control, deriving their water from sources not objected to. As to a new source of supply, he had stated that he deemed it of the greatest importance that the water should be drawn from the best possible source. [Mr. Mowatt: What source?] The Government had duly considered the evidence upon which the Board of Health had recommended the total abandonment of every existing source of supply, and that recourse should be had entirely to new sources of supply; and had also considered the conflicting evidence given before the Committee last Session on the subject; and the Government were not satisfied, so far as to say that there should be an entire abandonment of existing sources of supply (except the Thames, as to which there could be no doubt) which would entail very great expense, but which, at the same time, the Government did not conceal from themselves might be necessary; but they had thought it right to resort to every means of information before expressing any decisive opinion to Parliament on the subject. There was a power to be given to the Secretary of State to select a new supply from any source which the result of inquiries might show to be desirable. The report of such inquiries would be laid before Parliament, and could then be considered. He had stated that he conceived the best plan to adopt would be to place the administration of water supply in the hands of a municipal corporation (if it existed) or some body analogous to it (if it could be created)—but he had pointed out the difficulties existing in the way of such a course in London. And indeed there was no necessity for a Bill to incorporate a company for the purpose, since under the Municipal Corporation Act there was a clause by which large towns, including London, might apply to the Queen in Council for a corporation, and this could be considered, with any objections to it, without any application to Parliament; this course had been adopted in towns like Manchester and Sheffield, and he should be glad if it could be adopted here. With regard to compensation, there was nothing to justify the assumption that it would be assessed on any extravagant scale, or on any improper principle. Mere competition, where the companies were not precluded from carrying on their supply, would be no reason for compensation. But if the Government said to companies, "You who have, on the authority of Acts of Parliament, invested capital in a certain supply, shall no longer be suffered to continue it," that would surely be a case for compensation. The details of the Bill certainly required consideration, and would receive such consideration in a Select Committee.

Mr. BAILLIE COCHRANE said, there was a rumour that the parties to be compensated had drawn the compensation clauses—was that so? Or had the members of the Board of Health been consulted?

Sir GEORGE GREY: I have answered the question already.

Leave given; Bill *ordered* to be brought in by Sir George Grey, Lord Seymour and Mr. Bouverie.

PUNISHMENT OF DEATH IN THE COLONIES.

Mr. EWART rose, pursuant to notice, to move that—

> "It is expedient that the mitigation effected in the law of this country with respect to the Punishment of Death be extended to the Colonies."

In many cases the colonial law was the same as that of the mother country; and, several colonies, in this respect, were similarly circumstanced as the United Kingdom, and there were a great number in which the law was much more severe: he contended therefore that the criminal law ought to be as nearly as possible assimilated throughout the whole of Her Majesty's dominions—when, notice having been taken that forty Members were not present,

House counted; and forty Members not being present,

The House was adjourned at Eight of the clock.

HOUSE OF COMMONS,

Wednesday, April 30, 1851.

Minutes.] Public Bills.—1ª Petty Sessions (Ireland); Enfranchisement of Copyholds (No. 2); Collection of Fines, &c. (Ireland).
2ª Lodging Houses; Farm Buildings.

THE GREAT EXHIBITION—ADJOURNMENT OF THE HOUSE.

Lord JOHN RUSSELL moved, in accordance with notice, that the House, at its rising, adjourn till Six o'clock on Thursday. He believed that that would be a much more convenient course than meeting at the usual hour, owing to the opening of the Great Exhibition; and he did not conceive that there could be any practical objection to that proposal.

Motion made, and Question proposed, "That this House will at the rising of the House this day adjourn till Six of the clock To-morrow."

Sir R. H. INGLIS thought that any argument which would apply to the adjournment of the House until Six o'clock on Thursday would apply equally to an adjournment for a longer period. He understood the proposal to be made in order to enable the noble Lord, and the other Lords of Her Majesty's Most Hon. Privy Council, and all the great Lords of State, and all who had tickets of admission, to attend a very interesting ceremonial; but, if that were a good reason for postponing the business of the House for two hours, he saw no reason why it should not extend to a whole holiday. He begged to move, as an Amendment, that the House, at its rising, adjourn to Friday.

Amendment proposed to leave out the word "Six of the clock to-morrow," in order to add the words "Friday next," instead thereof.

Mr. O'CONNOR seconded the Amendment.

Mr. FOX MAULE said, the General Committee on Elections had named Thursday for swearing in the Members on the Harwich election. They might be sworn in between Six and Seven o'clock, in entire conformity with the Act of Parliament; but if the House did not meet, he was afraid the Election Committee would lapse altogether. ["No, no!"] At all events, penalties would fall upon the Members.

Mr. BANKES thought the next meeting of the House would satisfy the provisions of the Act for the swearing in of the Committee. Although the Ministers of the Crown might have free ingress and egress to the Great Exhibition, other persons might not have equal facilities, and therefore he thought that it would be better that the House should have a whole holiday on Thursday.

Lord **JOHN RUSSELL** said, that he himself could very well attend at Four or Five o'clock, or at any time which the House met, but it was rather for the convenience of other Members of the House, who might not be able to leave the Exhibition so soon, that he had proposed that the House should meet two hours later than usual. There could be no reason, that he was aware of, for the House not meeting at all on Thursday, because he believed the Exhibition would not remain open after Seven o'clock, and therefore Members would really not be able to be there at the hour at which the House would assemble. His objection, however, to not sitting to-morrow was that it was one of the days which the House had agreed should become an "Order" day, and it would be taking away one of the Order days which the House had assigned for the business of the Session. If the business of the Session were delayed to that amount, it might be necessary for him to ask later in the Session for another Order day instead of the one taken away. It might be that the hon. Baronet (Sir R. H. Inglis) objected to some of the Orders that stood for that day, but that could not be a reason with him (Lord John Russell) for consenting to the adjournment over Thursday.

Mr. **TRELAWNY** hoped to propose the names of the Church Rate Committee on Thursday, and should vote against the Amendment.

Question put, " That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 52; Noes 12: Majority 40.

Main Question put and *agreed to.*

House at rising to adjourn till Six of the clock *To-morrow.*

ST. ALBANS ELECTION.

Order for Committee read.

Lord **JOHN RUSSELL** moved—

> " That an humble Address be presented to Her Majesty, praying that She will be graciously pleased immediately to issue Her Royal Proclamation, with such Reward as Her Majesty shall think proper for discovering, apprehending, and detaining of George Sealey Waggett, John Hayward, James Skegg, and Thomas Burchmore."

Mr. **BANKES** said, that he was extremely desirous that the House should maintain that jurisdiction which belonged to it of trying the validity of the return of Members to Parliament, and he trusted the Chairman, or some Member of the Committee would favour the House with some observations on this peculiar case, because it appeared singular to him that the Committee had not availed themselves of the power of an Act of Parliament, which had been introduced by the noble Lord at the head of the Treasury himself, entitled " An Act for the better Discovery and Prevention of Bribery and Treating at the Elections of Members of Parliament" (5th and 6th Victoria, c. 102). That Act, as far as he was informed, had never yet been put in force; but it appeared to him that it would have been precisely applicable to the case before them. The second section of that Act provided, that if any Committee nominated to try an election petition should recommend that further inquiry and investigation should be made regarding bribery at such election, in that case Mr. Speaker should nominate an agent to prosecute the investigation into the matter of the said bribery; and the said Committee should, within fourteen days from the time of their having made their report on the election petition, reassemble, and should inquire in and ascertain whether bribery was or was not practised at the said election, and to what extent, and should specially report to the House all such matters relating to the said bribery, and the parties implicated or concerned therein, as to the said Committee should seem expedient. Now, in the present case the Committee had made a report very nearly in terms complying with that section, but they had neither stated that the case was one in which that Act should be put in force, nor had they directed the attention of the House to its provisions in any way; and, the adjournment of the House occurring on the very day on which that Report was made, there had been no opportunity for any other hon. Member to make an observation upon the subject within the fourteen days limited by the Act of Parliament. The Committee, after sitting ten days, had reported a variety of matters—among others, their belief that gross corruption had prevailed at the last and at previous elections for the borough of St. Albans, and their opinion that further inquiries by means of a commission under legislative authority should be made into the alleged corrupt practices. He did not presume to impugn the course followed by that Committee, being aware that they were placed in considerable difficulty by the absence of witnesses; but he could not but regret that, instead of recommending further inquiry by means of a Commission, they had not followed the provisions of the noble Lord's Act, by which further inquiry might now have been made by the same Committee. He should, therefore, upon the proposal for the appointment of a Commission, feel it his duty to call the attention of the House more particularly to the circumstances of this case, and he would move that, instead of such a Commission as was proposed by the hon. Gentleman opposite (Mr. Edward Ellice), a Commission composed of Members of that House should be appointed to investigate without delay the whole proceedings. If the issue of a Royal Proclamation, offering a reward for the apprehension of the missing witnesses, was not more effectual than the measures which had already been taken by the Committee and that House, it would be obvious that their tribunals were a mere mockery of justice, and that they did not possess those powers for enforcing the attendance of witnesses which were possessed by the superior courts of law. He was afraid the legal period had expired for resorting, in this case, to the wholesome provisions of the noble Lord's Act for checking bribery and corruption. But what was the use of placing law after law on the Statute-book if they were not meant to be enforced?

Mr. EDWARD ELLICE said, he thought the greater part of the hon. Gentleman's (Mr. Bankes') speech inapplicable to the Motion now before the House. Having given notice, as chairman of the Committee, that he should, on Tuesday next, state the grounds of the recommendation made by the Committee, and ask the House to adopt it; he should, therefore, consult the convenience of the House, and defer the remarks he had to make for the present. He would only say that the Committee had fully considered the provisions of the Act cited by the hon. Gentleman (Mr. Bankes), and yet their decision to recommend the appointment of a Commission was arrived at unanimously. Of the Motion at present before the House, it was not for him, as chairman of the Committee, to speak. He left it entirely to the House to deal with it as it thought fit.

The SOLICITOR GENERAL said, he wished to make a few remarks, after the observations that had fallen from the hon. Member for Dorsetshire (Mr. Bankes). It was clear that the St. Albans Election Committee had been defeated in their inquiry by the difficulty of finding these witnesses, on whose evidence much was expected by the petitioner to turn. If that difficulty had arisen from the misconduct of the sitting Member—if there had been even a suggestion or an allegation to that effect—there might have been some reason for giving the petitioner more time for establishing his case; but there was no evidence with that tendency, or any suggestion even that the witnesses had been kept back by the sitting Member, or of any connexion between him and the agents guilty of the bribery. The Committee, therefore, could not have made any more adjournments than they already had made; and, indeed, there was no application on the part of the counsel for the petitioner that they should do so. It was, therefore, too much to say, that a Committee was an ineffectual tribunal for ascertaining the purity of election, which had taken the only course open to them, and having heard that the counsel for the petitioner could not proceed any farther with the case. With regard to the propriety of a special report in this case, under the noble Lord's (Lord John Russell's) Act, there were two modes of dealing with boroughs where general bribery was alleged to have taken place. Where they found a particular class of voters guilty of habitually receiving bribes, it was very desirable that the Committee should report the whole matter, and that the House should take steps with those voters, as in the Yarmouth case. But when there was an allegation of general bribery, as in this case, leading only to one conclusion, if proved, namely, to the disfranchisement of the whole borough, then he apprehended the Committee was wise in considering, and the House also would be wise in considering, whether the appointment of a Commission would not be more effectual than a further inquiry before a Committee. They all knew the course taken in the Sudbury case, where Commissioners were appointed to examine on the spot, and they arrived at a conclusion, upon clear and conclusive proof, to which no objection could be or was raised; and both Houses of Parliament consented to a measure for the disfranchisement of that borough. If the course of a further inquiry before the Committee had been taken, when they came to propose so serious a step as the disfranchisement of a whole borough, they would not be so likely to obtain the consent of both Houses of Parliament as they would if a Commission had been appointed to take evidence under the previous sanction of the Legislature. It must not be forgotten that a doubt existed as to the position in which the St. Albans Committee had been placed with reference to their adjournments. He thought, then, if there were two courses open to that Committee, the one perfectly free from doubt, and the other one which might render it necessary to prove that the Committee was an existing Committee at the time its Report was made, it would have been very unwise on the part of the Committee if they had taken the more doubtful course instead of that about which no doubt existed. He thought the House was in no way lowered in reference to its capacity for entering upon this inquiry because it adopted the course which was the most ready, the most effective, and which was already proved to be the most valuable course, namely, by way of a Commission, instead of further investigation before the Committee. The hon. Gentleman (Mr. Bankes) had referred to the difference between the Courts of Law and the tribunal of that House in enforcing the attendance of witnesses; but he forgot that the privilege of adjourning for the purpose of securing the attendance of witnesses, as exercised by the Committee of that House, could not be exercised by the Courts of Law; and therefore the difference between the two tribunals was in favour of that House. The hon. Gentleman said the Committee had been defeated in their inquiry, and that, if the reward proposed to be offered failed, the House would be set at nought. Suppose a Court of Law had endeavoured to obtain evidence, and the witnesses had been kept out of the way, what means would the Court have had of enforcing their attendance? The House had at all times the power of insisting on the attendance of parties, and their punishment for contempt. The only difference between the House and the Court of Law was, that the Court of Law would be baffled immediately in their attempt, whereas the powers of the House extended not only through that Session, but through the next; and, indeed, to whatever period the House itself might think fit.

MR. JOHN STUART thought the hon. and learned Solicitor General had not been very successful in defending the proceedings of the Committee from the observations of his hon. Friend the Member for Dorsetshire (Mr. Bankes); on the contrary, he had excited in his (Mr. Stuart's) mind, some doubt whether there were not much graver charges to be made against the course of their proceedings than had yet engaged the attention of the House. Anything more calculated to reduce to actual farce an inquiry as to the validity of an election charged to have been accompanied with acts of bribery than the proceedings of this Committee, could hardly be imagined. It seemed to him that the question before them was not as to the best mode of inquiring into cases of contested election, but to consider the situation of the House with respect to the Report of the Committee on this question of the abduction of witnesses. It appeared that the counsel for the petitioner stated that he was prepared to prove that the agent of the sitting Member was the individual concerned in the removal of those witnesses. [Mr. EDWARD ELLICE dissented.] He saw the hon. Chairman of the Committee shake his head; but he would remind the hon. Gentleman of what was on record in the printed Minutes of evidence. He found it stated that—

> "Mr. Sergeant Wrangham applied to the Committee for an adjournment, on the ground that certain persons who were material and necessary witnesses for establishing the case of the petitioner, had, either after being served with the Speaker's warrant, or, in order to avoid such service, disappeared from the borough of St. Albans, and that with respect to two of the witnesses, he was prepared to show that they had been carried off by certain agents of the sitting Member."

The question was, whether an agent of the sitting Member had been accessory to procuring the removal of the witnesses. Did the Committee proceed to inquire as to the agency of Edwards, and if they did not, why did they not? They evaded the question of agency, and resolved—

> "That, it having been proved to the satisfaction of the Committee, that certain witnesses, whose evidence was stated by the counsel for the petitioner as material in proof of their case, either have been withdrawn or have absented themselves for the purpose of evading the service of the Speaker's warrant, and that in at least one instance a witness upon whom the Speaker's warrant had been served, had been conveyed away by a number of persons, one of which persons has been identified as an active promoter of the election of the sitting Member."

Now, was the question of the agency of that active promoter adverted to? If this individual was an agent of the sitting

Member, what important considerations would not that lead to, with respect to the situation of the sitting Member? Having failed to ascertain the identity of this active man, who had removed the witnesses, and baffled the inquiry, which for the purposes of justice ought to have been prosecuted to a satisfactory result, he asked whether the House could be satisfied that the proceedings of the Committee, in regard to the abduction of those witnesses, were conducted in such a way, or had produced such a report, as to evince that they were entitled to the slightest weight, either with respect to issuing a Commission, passing a new Bill, or adopting any other course? There could be no question that the Proclamation should be issued; but he could not help feeling that this was likely to be as great a farce as anything in the proceedings of the Committee. As it was, the prosecution of the inquiry referred to the Committee had been baffled; and, instead of justice being done, the Government was left in possession of the vote of a sitting Member under circumstances in which no man should be allowed to retain his seat, unless a satisfactory explanation of them could be given.

Mr. EDWARD ELLICE was exceedingly unwilling to trouble the House on this subject to-day, because he believed the whole discussion must be gone over again on a future occasion; but, after the observations of the hon. and learned Member for Newark (Mr. John Stuart), he must say that it was undoubtedly proved before the Committee that Mr. Blagg, the avowed agent of the sitting Member, was a party to the removal of certain witnesses. Mr. Blagg was put into the witness-box by Serjeant Kinglake, counsel for the sitting Member, to explain the share he himself had in the abduction of the witnesses; and his account was, that he had taken them away out of the hands of persons who had been employed by the petitioners to keep them in a *quasi* custody. Mr. Blagg said, "I had a perfect right to take these parties away from the influence of persons employed by the petitioners." Upon the next meeting of the Committee the two witnesses to whom Mr. Blagg referred were produced and examined. They were accused of having been bribed, and upon the question being put to them whether they were bribed or not, they swore positively that they were not. It was quite true that the question of Edwards' agency was not mooted by the Committee. He (Mr. Ellice) took it for granted that the Committee sat as judges, but that it was no part of their duty to take up points that might serve either the petitioner or the sitting Member. It was not for the chairman or members of the Committee to ask or advise any party as the course to be pursued.

Mr. JOHN STUART, in explanation, begged to say that he quite agreed with the hon. Gentleman, that the Committee sat as judges, but in this case they had not judged at all. It was part of the duty of judges sitting to investigate the truth of facts, to see that all proper means were resorted to, and all due facilities given to litigants before them to have witnesses produced, so that the truth might be fairly brought out.

Mr. EDWARD ELLICE said, that it had been stated, as a serious objection to the proceedings of the Committee being adjourned at all, that in a court of justice, if witnesses were not forthcoming, the jury would be instructed to come to a verdict; and it was in the face of those remonstrances that they had adjourned.

Mr. HUME did not think they had now to try the conduct of the Committee. It appeared to him that the whole of this discussion was altogether beside the question, which was, whether Her Majesty's proclamation should be issued with the view of arresting certain individuals who had evaded the summons of the House. This questioning and challenging of the conduct of the Committee would tend to weaken very much the power and influence of the House. If the House was to be of any use, they must carry on their proceedings regularly, and its own Members ought not to be parties to condemning and invalidating its proceedings. He feared that the time of the House would be occupied almost indefinitely with such cases as those of St. Albans and Aylesbury, unless the noble Lord at the head of the Government, who he hoped would before long introduce a measure of Parliamentary reform, would provide for such an increase of the small constituencies as would raise them to at least 1,000 electors, in order to put an end to the system of bribery at present existing in them.

Lord JOHN RUSSELL thought the hon. Gentleman opposite (Mr. Bankes) would have done better to reserve his remarks on this subject until his hon. Friend the Chairman of the Election Committee (Mr. Edward Ellice) should move for leave to bring in a Bill to appoint a Commission of Inquiry. It was undoubtedly a very fair subject of inquiry in itself, why the Committee did not make use of the powers granted to them by the Act to which the hon. Gentleman (Mr. Bankes) alluded, which he (Lord John Russell) had the honour to introduce into Parliament, and why they preferred recommending to the House that a Commission should be issued. He thought that, generally speaking, a Commission was the better course of the two; and he had in a subsequent year introduced a Bill which passed through that House, providing for the appointment of a Commission in many other cases besides those in which that power at present existed. That Bill was lost in the other House of Parliament, owing to the lateness of the Session; but he should say that, when the period arrived at which Parliament was near its expiration, there must be some general power given by law for having a Commission more frequently in such cases. He quite agreed with his hon. and learned Friend the Solicitor General that a Commission inquiring on oath on the spot, and being considered impartial in the case, had more weight with Parliament generally than a Committee, which was composed of Members of one House only. With respect to this particular case, however, he thought it was quite a sufficient reason for the course taken by the Committee, that very great doubt had been thrown on the regularity of their proceedings by their frequent adjournments. If, upon the Report being presented, objections had been made to their competence as a Committee, and if, when they sat again, witnesses had declined being sworn, denying the competence of the Committee and the regularity of its proceedings, it would have raised a question exceedingly embarrassing, and which, according to all he had heard of the opinions of lawyers, would have led to very considerable doubt whether the Committee, after their frequent adjournments, would be empowered to make this further inquiry, in conformity with law. He did not think it was an answer to that to say that they had made a Report. His hon. Friend (Mr. Edward Ellice) said, they had made a Report, and thereby shown that they considered themselves a Committee. No doubt they did consider themselves a Committee, and as the counsel for neither party disputed their competence, they were justified in making a Report; but if either side had disputed their competence, then would have arisen the question as to whether they were a regular Committee empowered to carry on such an inquiry. That was the only reason why he thought the Committee were justified in preferring to proceed by Commission; but he considered it of very great importance that the power of general inquiry should be retained, because they might find the other House of Pasliament unwilling to agree with them in certain cases to appoint a Commission for the purpose of inquiry. With respect to the question raised by the hon. Member for Montrose (Mr. Hume), who, after complaining that this discussion had gone beyond the narrow limits of the question which the Chairman of the Committee (Mr. Bernal) had in his hands, proceeded to raise the general subject of Reform of Parliament, he had only one observation to make. His hon. Friend said, the whole of the complaints of bribery arose from places like Aylesbury and St. Albans, with a diminutive number of electors, and that they could not possibly occur if the number of electors amounted to 2,000, or even 1,000, because such a number of electors would be a complete guarantee against anything like bribery. He confessed his (Lord John Russell's) experience hardly warranted him in coming to that conclusion. He had heard much of the existence of bribery in two very considerable towns of this kingdom—Norwich and Nottingham, and also in other towns where the number of the constituency was not only more than 1,000, but considerably more than 2,000. He could not concur with his hon. Friend that the mere increase of the numbers of the electors would be a safeguard against bribery and corruption. He could mention examples of purity in very small boroughs, where he believed there had been no complaint of the existence of bribery.

Mr. HUME would be glad if the noble Lord would mention such cases. What he wished to say was, that the larger the constituency the less chance was there of bribery. Let him have the ballot, and then he would guarantee them against it.

Mr. WILLIAM WILLIAMS thought the noble Lord unfortunate in referring to Nottingham and Norwich. Norwich, he believed, was purchased in 1837, but had never had a purchaser since; it was said that one side expended 21,000*l.* and the other 35,000*l.* The noble Lord must be very little acquainted with the condition of the small boroughs if he did not know that, with scarcely any exception, they were bought and sold as commonly as sheep. Most of them were just as corrupt as Appleby, Old Sarum, or Gatton in the days of the unreformed Parliament.

MR. BANKES said, he had thought it expedient to raise the question as to the proceedings of the St. Albans Committee now, though the Motion of the hon. Member for St. Andrews (Mr. Edward Ellice) was fixed for Tuesday next, because he believed there was not the slightest chance of its coming on upon that day, unless the hon. Member could bring it on as a question of privilege, which he was afraid it was not competent for him to do. If not, the hon. Member would probably find no occasion for a month to come, unless the noble Lord at the head of the Government would consent to give him one of the Order days of the Government; and such was the importance of the question, that he hoped the noble Lord would do so. [Lord JOHN RUSSELL intimated dissent.] The noble Lord, he was sorry to find, objected to that suggestion. Now, that symptom justified him (Mr. Bankes) in the course he had that day pursued. He would tell hon. Members that if they did not themselves canvass the faults of their Committees, those faults would be very carefully canvassed out of doors. He believed that the tribunal they had appointed for the trial of these cases did not work well, and that it was their duty to amend it.

Address agreed to; Resolution to be reported To-morrow.

House resumed.

THE GREAT EXHIBITION—ADMISSION OF EXHIBITORS.

MR. HUME rose to ask the right hon. President of the Board of Trade, whether, by the rule established by the Royal Commissioners for the Great Exhibition, all British and Foreign Exhibitors were to be admitted at the opening free of charge; or, if not, what line had been drawn amongst the exhibitors? He knew that the House had interfered but very little in this important exhibition; but it was extremely desirable to know that the Commissioners had acted with perfect fairness in all their arrangements, consistently with overcoming the difficulties they had had to encounter. He had been requested by a deputation, last night, to put this question to the right hon. Gentleman; and he hoped the right hon. Gentleman would be able to give such a satisfactory answer as would remove the jealousies of all parties, and place the matter on its proper footing. A petition on this subject was forwarded for presentation to Her Majesty, and doubts had arisen whether it had been submitted to Her Majesty; but he understood that it had reached Her Majesty, and had gone to the Commissioners, who were the proper parties. He wished to give the right hon. Gentleman an opportunity of explaining how the arrangements had been made, and of satisfying the House that every attention had been paid to furthering the great objects of this Exhibition.

MR. LABOUCHERE: Sir, the petition to Her Majesty to which the hon. Member has alluded was presented to Her Majesty by my right hon. Friend the Secretary for the Home Department, and was, by command of Her Majesty, referred to the Commissioners charged with the conduct of this Exhibition. The question to which my hon. Friend has adverted relates to the gratuitous admission, without any limitation, of all the exhibitors, at all times, to the Exhibition. That question was considered most maturely by the Royal Commissioners; and, with every desire on the part of the Commissioners to deal in the most liberal manner with those who have contributed, by the exhibition of their goods, to the splendour and success of this Exhibition, the Commissioners came to the unanimous opinion that it was impossible, consistently with the objects of the Exhibition, to allow that gratuitous admission. When I state to the House that the number of exhibitors amounts to no less than 15,000, I think the House will perceive that it was quite impossible, consistently with the great objects of the Exhibition, to give those exhibitors admission at all times to the Exhibition. I believe that 600 or 700 of their number have taken season tickets, and these will, of course, with the rest of the public, be admitted at all times to the Exhibition. Arrangements have also been made in reference to all those whose contributions amount to anything considerable, in point of value or extent, to enable them to be present in the Exhibition, for the purpose of attending to their own goods. Beyond this it was impossible to go. I believe there have been about 20,000 tickets sold, and it is obviously impossible to admit an indefinite number of persons, for, capacious as the building is, it would be impossible to admit so large an additional number. I must also recall to the recollection of the House that, though we are eminently indebted to the exhibitors themselves for their exertions for the success of this Exhibition, yet there have been many other parties throughout the country who, by giving liberal pecuniary contributions, by acting upon local committees, have given their time and money to ensure the success of the Exhibition, and it was felt that the only way was to lay down a rule that no person should be admitmitted who did not pay. The Commissioners had applied that rule to themselves, and laid down a rule that no Commissioner should be admitted unless he purchased a ticket like other parties; and I think it must be felt that they could not have acted in any other way. Perhaps, however, I may take this opportunity of stating that it is the intention of Her Majesty to visit the Exhibition on one of those Saturday mornings on which the general public will be necessarily excluded in consequence of the arrangements of the Exhibition—it is Her Majesty's intention to visit it for the purpose of inspecting the articles exhibited more fully than She would be enabled to do on the occasion of a State visit. The exhibitors of those articles will naturally be desirous of being present on that occasion. They will accordingly be admitted, and will have the gratification of showing to Her Majesty the articles which she would wish to inspect particularly. I trust that this will be satisfactory to them, and also that the House and the public generally will feel that the Royal Commissioners have acted throughout the whole of this matter with the view of doing justice to all parties, by promoting the success of the Exhibition.

HIGHWAYS (SOUTH WALES) BILL.

Order for Committee, read.

DR. NICHOLL objected to the measure, as one of partial legislation for South Wales, brought in without the slightest necessity shown for it. If the Bill was really good for South Wales, he thought it would be good for England, and therefore he should move that it be an instruction to the Committee to include England in the Bill. If that was lost, he would vote against the second reading; and if the second reading was carried, he would move that the county of Glamorgan be exempted from the operation of the Bill.

Motion made, and Question proposed—

"That it be an Instruction to the Committee that they have power to extend the provisions of the Bill to England generally."

MR. WILLIAM WILLIAMS thought that there was no more necessity for a Bill of this kind applying to South Wales, than to any other part of the United Kingdom. It would create a costly machinery, which was quite unnecessary.

MR. RICE TREVOR said, the Bill only made it obligatory on South Wales to do that which every parish in England might now do if it thought fit—that was, to establish paid surveyors of highways. It was hoped that the effect would be to diminish rather than to increase expense.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR GEORGE TYLER said, he felt it his duty to move, that the Bill be committed that day six months. The measure was considered particularly objectionable in the county he had the honour to represent, where it had been condemned by a full meeting of magistrates. He had many objections to the measure; but, above all, he objected to South Wales being made a *corpus vile* for experimental legislation. The Bill provided for the appointment of surveyors of highways; but he considered that such a provision was wholly unnecessary. He believed that this Bill would increase the cost of maintaining the highways, and he thought that it was inexpedient to increase the burdens of the tenant-farmers at the present time.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words, "this House will upon this day six months resolve itself into the said Committee," instead thereof.

VISCOUNT EMLYN said, that he did not desire to make South Wales an exception to the rest of England and Wales. He introduced this Bill last year, when the Government brought in their Bill for the management of highways in England, in order that the system in both these portions of the United Kingdom might be the same; and although the Government Bill had not been proceeded with, he felt justified in reintroducing this Bill in the present Session, believing that it met the approval of the inhabitants of South Wales, and expecting that the Government would have again brought forward a Bill for the management of the highways similar to that of last Session. There was no novelty introduced into the Bill, the clauses of which were taken from the General Highway Act. He believed that the people of South Wales were not opposed to this Bill, and that it would effect a desirable improvement in our highway legislation; but at the samé time, he did not wish to press it against the opinions of the representatives for South Wales. He should leave himself in the hands of the House.

Mr. CORNEWALL LEWIS said, that he was in favour of the principle of the Bill, which was, that districts should be formed by a union of parishes under one board, who should appoint a paid surveyor to manage the highways of the district. There was a power to form such unions under the General Highway Act, but it had been availed of in very few instances; although where such unions had been formed, the highways had been better managed, and at a less cost, than under the previous separate parochial management. He could not see why, if the people of South Wales wished the management of their highways to be subject to a particular Act, that that House, by passing such an Act, should be said to make them a *corpus vile* for experiments. It was for the inhabitants of those counties and their representatives in Parliament to consider how far they wished the principle of the Bill to be applied to that part of the country; and as he thought that this question would be best considered in Committee, he should support the committal of the Bill.

Mr. RICHARDS said, that some legislation was absolutely necessary on this subject, for the roads in South Wales were now very badly managed; the expenditure was not under any regular control, and the surveyors were men of no great experience. He thought that the Bill was favourably regarded by the inhabitants of those counties. The only objection was founded on the apprehension of increased expense; but he was satisfied that the improved management of the roads would amply compensate for any expense entailed by the measure before the House.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed* to: Main Question put, and *agreed* to.

House in Committee.

Clause 1.

Dr. NICHOLL moved that the words "each county in South Wales" should be omitted, and that the names of the counties, Carmarthen, Pembroke, and Cardigan, should be inserted. The Members for these counties were favourable to the Bill, and if their inhabitants wished to have it he would not deprive them of it; but, on the other hand, do not permit the House to force the measure upon the other counties of South Wales which did not desire it. The magistrates of the county of Glamorgan had at quarter-sessions expressed their disapproval of this Bill, and he hoped that the House would at any rate exempt that county from its operation. There was nothing to connect Glamorgan more with South Wales than with England; in fact, it was English in its habits, in its general progress, and in the increase of its population, which was going on more rapidly than in any other county in England and Wales; and he trusted, therefore, that the House would not force upon that county a Bill to which it offered the strongest opposition. He had no wish to exclude Radnor and Brecknock from the Bill, if they wished for it; and if any hon. Member moved that they should be included he should have no objection to it.

Amendment proposed—

> "Page 1, line 13, to leave out the words 'each County in South Wales,' in order to insert the words, 'the Counties of Pembroke, Carmarthen, and Cardigan,' instead thereof."

Mr. WATKINS, as one of the representatives of the county of Brecknock, wished that county to be excluded from the operation of the Bill.

Mr. WILLIAM WILLIAMS said, that a Bill of this nature should have been brought forward by the Government. He was opposed to special legislation for a small portion of the country.

Sir BENJAMIN HALL believed that the Bill would confer great benefit upon South Wales, and he, therefore, hoped that the noble Lord (Viscount Emlyn) would not consent to the Amendment. In whatever other respects Glamorgan might be like an English county, there was no resemblance in the state of its roads, for there was not a district in the United Kingdom which had worse roads. He believed that that Bill would lead to an improvement in the state of the roads; and he thought that the magistrates and Members for South Wales were quite able to undertake the introduction of a measure of that kind without requiring the intervention of Government. A great deal of the evils which subsisted in the management of the Welsh roads had been put an end to by the legislation which followed the Rebecca riots; and he believed that this measure would prevent a great deal of the discontent which still subsisted on account of the disgraceful state of the roads, which were entrusted to overseers and surveyors who were perfectly incompetent to their management.

SIR GEORGE GREY said, that the Amendment, if carried, would be fatal to the Bill; for although South Wales had been recognised by the Legislature as a separate district for exclusive legislation, a measure, the operation of which was confined to three counties only, would not be a public but a private Bill, and must therefore be introduced and carried forward according to the standing orders applying to such Bills.

SIR FRANKLAND LEWIS said, that the administration of the highway rates now levied was marked by much ignorance, partiality, and unfair pressure upon individuals; and he was confident that a measure of this kind would be extremely beneficial to the counties to which it referred. Some such measure as this must, in fact, be applied to the whole kingdom.

VISCOUNT EMLYN said, that he quite agreed with the right hon. Secretary of State for the Home Department that this Amendment would be fatal to the Bill; at all events he should so regard it, for if the Amendment were carried he should withdraw the Bill.

MR. HUME said, that no good could arise from going into Committee upon the Bill, seeing that no two Members for South Wales agreed in opinion with respect to it, and he therefore advised the noble Lord to withdraw it, in order that a complete and general measure might be brought in by the Government.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided: — Ayes 59; Noes 8: Majority 51.

House resumed; Bill *reported;* as amended, to be considered on Wednesday next.

FARM BUILDINGS BILL.

Order for Second Reading read.

MR. BAILLIE COCHRANE moved the Second Reading of the Farm Buildings Bill, which he considered was based upon the Irish Drainage Act of 1849, and the object of it was to enable the owners of land to raise money to be charged on the land for the erection and improvement of farm buildings. It had been objected to the measure that there could not be sufficient security given for the money advanced by private companies; but the parties should look to that matter themselves. The Bill would be of the greatest importance to Scotland, where more effectual means of erecting farm buildings was greatly called for. He had received a very large number of letters with reference to the measure, and there was not in any of them an objection to the principle of the Bill. He begged in particular to call the attention of the House to one of those letters which he had received from a gentleman who was factor over thirty estates in Scotland. With respect to the details of the measure, some objections had been made. An objection had been made by the right hon. the Lord Advocate of Scotland, about the priority of the charge: that was a very important feature, and all he could say was that if the House would agree to the second reading of the Bill, he would consent to an alteration being made in the Committee. He should also be prepared in Committee to insert a clause to prevent parties borrowing money under the Act from availing themselves at the same time of the recent Entail Act.

MR. TRELAWNY opposed the Bill. It was said that a similar measure had been passed for Ireland, but it did not follow that because a Bill was good for Ireland, it would be also good for England.

MR. MULLINGS thought the measure was one that might cause very serious consequences. He did not object to the principle of the Bill; but hon. Gentlemen should consider that this was a Bill not only to enable parties to erect but to repair the existing buildings. He asked the hon. Gentleman to make some provision, if he could, to guard against the evil consequences that must ensue in all cases where tenants for life and other parties, having a limited interest, neglected to do anything until an advanced period. Suppose a tenant for life for thirty years, having received all the rents and profits, allowed the buildings to go into perfect ruin, and then borrowed a large sum of money which would be charged against the reversioner, what would be the consequence? He did not think that was a provision which should receive the sanction of the House.

MR. HUME thought this measure would be the means of giving to landed proprietors the power of borrowing money without the usual charges. It appeared to him that it would be an encouragement to persons to allow the buildings on their estates to become dilapidated, and to saddle at a late period of their lives the charge for their repair on their successors.

Motion made, and Question put, "That the Bill be now read a Second Time."

The House divided:—Ayes 66; Noes 25: Majority 41.

Bill read 2°, and committed for Wednesday next.

SUNDAY TRADING PREVENTION BILL.

Order for Committee read.

MR. WILLIAM WILLIAMS having presented petitions in favour of the measure, moved that the House should go into Committee on the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. WAKLEY presented a petition from hairdressers of the metropolis, complaining that a clause formerly contained in the Bill, which gave them the same protection as other traders, had been struck out, and praying that, as they were as much entitled to protection as any other parties, the clause might be restored.

MR. CHISHOLM ANSTEY opposed the Motion for going into Committee. He and some other hon. Members, who were opposed to the Bill, had assented to the second reading on the understanding, not only that the Bill should be referred to a Select Committee, but that the Committee should have power to send for persons, papers, and records. The Bill went before the Select Committee, and on the very first day the hon. Member for Salisbury (Mr. Baring Wall) proposed to send for witnesses. He read for the Committee a list of the trades, and persons representing trades, whom it was desirable to examine, with a view to elicit, by their testimony, such facts as would enable them to judge of the operations of the Bill. But the preamble having been postponed, a formal objection was raised from the Chair that it was not proper at that stage to send for witnesses. Under those circumstances, the Committee proceeded with the consideration of the Bill, which was opposed by, among others, the members of the hairdressing profession. There was not an absolute majority in the Committee in favour of all the clauses. Those who were in favour of one clause, were opposed to others; and certain Amendments were proposed, some by the promoters of the Bill, and some by its opponents. He believed the Bill came out of the Select Committee much more absurd in character than when it went before that body. The Committee appeared to think that the more inconsistent the Bill was made with itself, and with its avowed purpose, the better, for in that case it was the more likely to obtain acceptance in that House and some other places. It was well known to those who were familiar with the secret history of this absurd and hypocritical legislation, that the clause of "exceptions" was what might be styled the consideration clause of the old Bill. There was a rabid cry out of doors in favour of more Sabbatical legislation. There were also those who, without sharing in that mania, and having a keen eye to their own interests, were anxious to extinguish the troublesome competition of the poor artisan or tradesman in their own crafts. Both those classes, however, united in the attempt to promote this Bill, and the Bills which were its predecessors, and both those classes happened to comprehend the whole of the middle classes having votes. The classes against whom this legislation was directed were not so largely endowed with the electoral franchise, and therefore did not participate quite so much in the sympathy of the promoters of this Bill in that and the other House of Parliament. The main object of the Bill was to gratify those persons as much as possible by extinguishing the trading of the poor, and at the same time to ensure the success of the measure, by taking care to accompany it with such limitations and exceptions as should make it as little troublesome as possible to those who legislated and to those whose interests the legislation was intended to promote. Thus the people who lived from hand to mouth were to be put down, but a line was to be drawn which should separate the small mechanics or tradesmen from those a little above them, who might find it a little inconvenient to be curtailed of their own amusements, or, what was more to the purpose, of their right to compel the unwilling labour of those whom they employed. That was the problem which the hon. Member for Lambeth (Mr. William Williams) had to solve. If the Bill was intelligible, this was the effect of it; the small tradesmen, whose competition it was desirable to extinguish, would be placed absolutely at the mercy of policemen acting under parochial orders, and engaged in the attempt to carry out what was supposed to be the prohibitory part of the Bill, whilst the wealthier tradesman, the man who could afford to employ others, was not touched at all. At present this Bill was confined to the prohibition of the sale or delivery of certain things on the Sunday, with the exception of certain commodities belonging to those classes whom, for reasons not apparent on the face of the Bill, it had been deemed proper to exempt from its operation. By the first clause it was made unlawful during the whole Sunday to sell, vend, or cry, or expose for sale, anything whatsoever; and it was further enacted that no dealer of certain descriptions of food should, after nine in the morning, deliver any of his commodities at the residence of any persons who had purchased the same, under a penalty of 20*s.* Now, the prohibition as to selling was absolute, and extended over the whole of London, and the prohibition as to delivering was limited by the words "after nine o'clock in the morning." The House would see that distinction was taken for the benefit of the richer, or rather of the easier classes. The general prohibition to sell was limited by the second clause. First of all, no medicine, drug, or article for medicinal purposes, if sold by a medical man or a chemist, was to be understood as within the general prohibition. So necessity, charity, sickness, and sudden emergencies were to constitute exceptions; so milk and cream, if sold before ten and after one, were not prohibited, but fish was. Now he (Mr. Anstey) should like to know why the soul of a milkman or a milkmaid was not of as much account in the eyes of the hon. Member for Lambeth as that of a fishmonger? He wanted to know, in other words, why that exception was made in favour of milk and cream, and why those articles were not put on the same level as other articles of food more likely to be in request among the lower classes? The provisions of the Act did not apply to the sale of fruit, pastry, cooked or prepared victuals, or any beverage, not being wine, spirits, beer, or other fermented or distilled liquors, or any newspaper or other periodical papers stamped with the proper newspaper stamp, before the hour of ten in the morning, and after one in the afternoon. Tobacco might also be sold after one in the afternoon. Then clubhouses would be excepted under the clause which exempted from the provisions of the Bill any person selling or vending in his dwelling house, to any lodger, any ready-dressed provisions, liquors, or refreshments. Again, publicans were excepted by the third clause—why, he did not know. That was one of the inconsistencies which the hon. Member for Lambeth would have to unravel. Then servants who claimed to be employed by others were not to be touched by any clause of the Act. The object in all that was to discriminate between the poorer and the wealthier classes, in favour of the latter. He now came to the most tyrannical, and therefore the most objectionable, clause in the whole Bill, he meant the seventh, by which judicial power was given to policemen to decide, on their own discretion, that there had been an offence against the provisions of this Bill, and to seize the entire property, the whole capital (for it amounted to that) of the miserable vendor of the most perishable materials, who happened to be found in the highways or elsewhere, it mattered not, within the city of London or its liberties, engaged in his or her calling; and then, by way of adding insult to injury, a promise was given to the wretched individual that his goods would be restored to him on application to a justice of the peace, on such terms as to such justice should seem meet; thus making such individual a possible, but under the circumstances a most improbable, litigant. It was not intended that the magistrates should sit on Sundays to adjudicate on such cases; and the property so taken and detained might be of such a nature as to perish in the interval, before application was made for its restoration. That clause, notwithstanding its character, although it was the most severe, odious, and oppressive, appeared to have received more support in the Committee than any other, for it was passed without a division. The evidence of Mr. Commissioner Mayne on the subject of that clause was most important. A similar provision was contained in some local Acts in force within the metropolis; but Mr. Commissioner Mayne, acting on a discretion which he supposed resided with him, refused to allow the policemen under his orders to act under such a clause, he being convinced that if policemen were allowed to seize goods or chattels exposed for sale, whether on Sunday or any other day of the week, the bystanders would interfere, and a riot would ensue. Mr. Commissioner Mayne also gave it as his conviction, that if an attempt was made, by compulsion especially, to secure the observance of Sunday, the evil of Sunday trading was likely to be much aggravated. He (Mr. Anstey) considered that by the testimony of Mr. Commissioner Mayne, given before the Lords' Committee, an unanswerable case was made out against the present Bill. But it did not rest there; for the returns laid before the Select Committee from the various metropolitan police divisions, showed in most of those divisions a very considerable decrease of Sunday trading of late years. In some of those divisions there was a considerable amount of trading on Sundays among the Jews, who had a sabbath and holidays of their own to observe, and who had petitioned that House against the present Bill. The Jews already had sixty-six days in the year in which they carried on no trading, and that without any Act of Parliament to stimulate their devotions; but, notwithstanding that, it was proposed by the present Bill to prohibit them from trading on fifty-two other days in the year. There was also a class of Protestant Dissenters called Sabbatarians, who held the doctrines and observed the discipline of the Church of England in all respects except the day which they kept as their Sabbath. On that class also the Bill would impose fifty-two days' abstinence from labour and trade over and above the abstinence which they imposed on themselves on their own Sabbaths. Had the hon. and learned Master of the Rolls been in his place, he might have been able to throw some light upon that point, for one of the most valuable officers in the Rolls house was of that persuasion. Mr. Commissioner Mayne attributed much of the decrease in Sunday trading in the metropolis to an improvement in the views and feelings of the lower classes, and that gentleman was of opinion that the existing law for preventing trading on Sundays should be repealed or not enforced. Under all those circumstances, he (Mr. Anstey) should like to know on what grounds the hon. Member for Lambeth rested his case. For himself, he (Mr. Anstey) should oppose this Bill in all its stages. He should feel it his duty to persevere, whilst the Bill was in Committee, in endeavouring to introduce amendments, either disclosing and unmasking its real character, or else amendments which would have the effect of making the Bill consistent with itself, by rendering it thoroughly, truly, and honestly Levitical. He should conclude by moving, that the House go into Committee on the Bill that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BARING WALL, in seconding the Amendment, did not desire to protract the debate, if it were not intended to go into Committee that evening. He wished only to state what had occurred in the Select Committee on the Bill. He had wished that evidence should be adduced; but the hon. Member who had charge of the Bill had rested his case on the evidence before the Lords' Committee, and he (Mr. Baring Wall) had not been allowed an opportunity of bringing forward evidence. Otherwise he should have brought some medical witnesses, and he would have asked them whether they would assume the responsibility of recommending such a measure during the cholera visitation. He knew that the chemists' shops were allowed to be open, but the best remedies for the poor were, after all, to be found in the butchers' and bakers' shops; and he knew that small butchers, &c., often, during the hours of divine service, had persons sending for small quantities of meat, and other articles of diet, which often prevented the sick from sinking in exhaustion. He considered this was a bastard Bill, and that if its principle were good, it should be applied not only to the metropolis but to the whole country. If the Bill were passed, it could not be enforced. There was honour and truth among the lower orders—the purchaser would not pay for the articles on the Sunday, but return on the Monday for the purpose, and so the Act would easily be evaded. He should propose that confectioners and pastrycooks be excepted from the Bill (as well as apothecaries), along with tea-dealers and tobacconists. The fifth clause, which involved the principle of cumulative penalties, he deemed the most mischievous in the Bill. There were other respects in which he intended to propose amendments of the Bill. He hoped that, as the Bill could not go into Committee that evening (it was then about half-past five), another day would be fixed for its due consideration. The subject was one of great difficulty, and could only be dealt with by repealing the old Act of Charles II., and then perhaps a Bill in the nature of compromise could be agreed to. The question involved, however, both religious and social elements, and he doubted if it ever could be adjusted.

Mr. LENNARD said, that at that hour —seeing that no reasons had yet been adduced in favour of the Bill—and thinking it necessary to have some explanation of the extraordinary course taken by the Select Committee in declining to adduce evidence in support of the Bill—a Bill which was characterised by so unkind and unchristian a spirit towards the working classes—thinking it better, for these reasons, that a better opportunity should be given for discussing the subject, he should move that the debate be adjourned.

Debate *adjourned* till *Wednesday*, 14th May.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, May 1, 1851.

Minutes.] Public Bills.—1^{a} Exchequer Bills; Stamp Duties Assimilation; Indemnity; Expenses of Prosecutions.

Several noble Lords presented Petitions; and after having gone through the business on the Paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 1, 1851.

Minutes.] Public Bills.—2^{a} Oath of Abjuration (Jews); Civil Bills, &c. (Ireland).

OATH OF ABJURATION (JEWS) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. NEWDEGATE rose, pursuant to notice, to move that the Bill be read a second time that day six months. He said, in the framing of that measure, and in their general mode of conducting that and similar measures through the House, the noble Lord at the head of the Government, and the other supporters of Baron Rothschild, had made every attempt to avoid the broad and main question, which, in fact, they opened, and from which they could not divert public opinion. It was thought to hurry that question through the House as though it rested on merely political grounds; but that was an attempt so futile that it could not be thought of otherwise than as a proof that the noble Lord and his colleagues were hard pressed by the real circumstances of the case, when they asked the House to forget the religious character of that Bill. This was an attempt to create a new qualification for Members of that House, and that a religious qualification. It was vain to assert that this attempt of the noble Lord was anything but a direct invasion of the Christian character of that House.? It was, indeed, a grave attempt to alter the character of our legislation; to render that House no longer an assembly in harmony with the other estates of the realm, and to alter the relation of that House to the House of Lords, whose exclusively Christian character the presence of the bishops attested. It was, indeed, utterly impossible to divest the Bill of that character, and the efforts to do so on the part of its supporters, only proved the weakness of their case in this fundamental point of principle, and the difficulty they had to encounter. He would beg the House to consider how that question had been brought forward. The noble Lord at the head of the Government had had during the last Session to contend with an attempt on the part of Baron Rothschild and his supporters to take that question into their own hands, although a Committee of that House had been appointed to investigate the legal bearings of the question; and that Committee had reported that it was distinctly against the law to assume the functions of a Member of that House without taking the oaths prescribed by law. Notwithstanding all this, Baron Rothschild had presented himself at the table of that House; but in doing so he had not followed the precedent set by Mr. Archdall, who when he found, as a Quaker, that he was required to take certain oaths at the table, had declined doing so as contrary to a principle of his religion; and the Speaker had issued a new writ for the place for which he had been returned. Neither had Baron Rothschild followed the example of Mr. Pease, who, when elected, openly, honestly, and respectfully, declared that an alteration of the law and usage of Parliament was necessary to his taking his seat, and showed himself ready to obey the law and the usage of Parliament; nor yet did Baron Rothschild hold valid the precedent set by Mr. O'Connell, who before the passing of the Relief Act of 1849 had come to the table and at once declared his objection to take the oath in its present form. It might have been well believed that Mr. O'Connell, with all his legal acumen, had taken the course which was most becoming and consistent with law. But Baron Rothschild must be presumed to have his own particular reasons for not acting like Mr. Archdall, or Mr. Pease, or Mr. O'Connell. They saw that Baron Rothschild had come to the House after a formal intimation had been given by an hon. and learned Member, now Her Majesty's Solicitor General, but then Baron Rothschild's legal adviser, that the Baron would have recourse to every possible legal device, and would avail himself of every quibble which the law allowed, to evade or alter the terms of the oath he was bound to take. It could not be forgotten that Baron Rothschild had come to the table of that House, and had gone through the oath until he came to the words, "on the true faith of a Christian;" that he did not stop at these words, but, omitting them, he had ventured, on his own authority and in his own case, to alter the substance of the oath, and to conclude it in its own manner, thereby making an alteration in the oath, and in an Act of Parliament, which that House had declared it was impossible for itself to do by resolution, if unanimous. And, moreover, the hon. Member for Chichester (Mr. J. A. Smith), who introduced the Baron to the House, and had been chairman of his Election Committee, when he came with the Baron to the table, had in his hand, and tried to thrust into the hands of the officer of that House, a document which subsequently proved to be a spurious qualification paper, not prepared in the legal manner in which the House required the same to be prepared, but a concoction of the hon. Member's own. The hon. Member had left that document on the table, and applied to the Speaker as to what was to be done with it; when the Speaker, in that grave, dignified, and impartial manner in which he discharged all the business of that House, told the hon. Member that he had been guilty of a grave irregularity in putting on the table of the House a document so irregularly framed, which must lie amongst the waste paper of the House, but could never be considered as official. The House of Commons had unfortunately determined that the question should be again brought under its consideration; and he (Mr. Newdegate) had ventured, on the part of many persons—he might say a great majority of the grave, thoughtful, and religious public of this country—to move that the Bill be rejected. He would ask the House to remember a few circumstances connected with the introduction of that measure in the year 1847. During the discussions which had preceded its first introduction, he had ventured to call the attention of the noble Lord at the head of the Government to the effect produced by the admission of Jews to the Parliament of France; and had shown him that the separation of Church from State in that country had not led to the security of the monarchy. He had then told the noble Lord that since the admission of Jews into that Parliament, and the Christian character of the Legislature had been abandoned, in 1830 and 1831, the Church had been gradually alienated from a State which had rejected Christianity; and the clergy, repulsed by the indifference of the State to religion, had leaned more and towards Rome. He had endeavoured to make those observations effective, and to draw the attention of the House to these facts, during the first discussions on the introduction of the Jew Bill in the Session of 1847-8. Nor was immediate proof of the gravity of these circumstances, and of the warning they conveyed, wanting: they had seen it in the fact that before the Bill had been read a third time, in the spring of 1848, the monarchy of France had fallen. And what was the conduct of the clergy of France? Why, they were the first to hail the new order of things, however turbulent,—they were no partisans of a monarchy which had repudiated Christianity. The right hon. Member for the University of Oxford (Mr. Gladstone), who supported the Bill, in opposition to the opinions of his constituents, had in 1847 called attention to the petition of some clergy, to the effect that the 17th of Henry VIII., with respect to the appointment of bishops, ought to be repealed, if Jews were admitted into Parliament; which would be the first step towards a separation of the Church from the State in this country, if this Bill were to pass into law. The House was well aware that a dignitary and once an ornament of the Church of England had since seceded to the Church of Rome—Archdeacon Wilberforce, one of those who signed the petition to which he had adverted. [Some suggestion was here made to the hon. Member, who said, "It is the brother of the petitioner who has become a Roman Catholic—I beg the Archdeacon's pardon." The hon. Member then proceeded.] He would ask the noble Lord to consider whether his support of that measure had not driven many of the clergy from the Church who had gone over to Rome. They thought they could not conscientiously submit to the legislation in ecclesiastical matters of an assembly ready, by its majority, to repudiate its Christian character. He (Mr. Newdegate) did assert, that these things were warnings which might not be well disregarded; and they could not tamper with the constitution of that House without raising a feeling in the breasts of clergymen of the Church of England tending to the separation of the Church and State. Although they had not any precedent in the history of this country wherefrom to prognosticate what might be the result of such a separation in this country, still the analogous case of the separation of Church and State in France, and the quickness of the fall of that monarchy, made the question such as could not be considered lightly, or without grave apprehension. But there were other circumstances connected with that case, which reflected on the character of this country. Could the Pope of Rome have stronger ground for thinking this country careless of its Christianity, than seeing a majority of the House of Commons, for the sake of admitting one or two rich Jews into its constitution, thus willing to abandon its Christian character? Could we wonder that the Pope should think fit to sustain Christianity by introducing a hierarchy of his own, when he saw the Established Church of this country thus slighted, though the public at large were not indifferent to the Christianity of that House. With regard to another point of the question, he would ask, was it right that they should thus, Session after Session, press a measure which brought them into collision with another branch of the Legislature? Was it likely that the House of Lords would yield to their dictation, when supported by a great majority of the people of this country? The noble Lord was the colleague of Baron Rothschild; but the people of this country might well ask why the noble Lord, as Prime Minister of this empire, allowed himself to be dictated to by a constituency, however wealthy they might be? Was a majority of the electors of London to dictate to the Legislature? or would the noble Lord sink his character as Prime Minister of this country in blind obedience as the delegate of the city of London? It was well known that the last election was stained with the grossest bribery. But if any one were to judge by the numbers polled at the election, they must come to the conclusion that the Prime Minister of England was considered as not five per cent better than a Jew by the City constituency. In 1848, the House of Lords had rejected that Bill, and the noble Lord had conferred the Chiltern Hundreds on Baron Rothschild; thus departing from the former precedent of the House in Mr. Archdall's case, when, on his refusal to be sworn, Mr. Speaker at once issued his writ, thus declaring the previous election void. The election in 1848, in the city of London, had been too much under the influence of the long purse of the Baron Rothschild, and of the Jews who resided there. But the noble Lord the Member for Colchester had determined that, notwithstanding the effects of a recent and lavish expenditure, and the neglected state of the register in the City, it should not be said that no Christian candidate would afford the constituency the means of recording their votes. Unexpected and unconnected with the City, he was not returned; a petition against Baron Rothschild's return had been prepared, but the witnesses to prove it had been kept out of the way. The House had not thought lightly of the removal of witnesses in the St. Albans case; but he could prove that that case was not grosser than what occurred in the case of London on that occasion. These circumstances afforded no recommendation or excuse for the subsequent conduct of those who supported the Baron, and ought not to entitle their opinion to much weight. What they were about to do was to create a new religious qualification by that Bill. What was the religion the profession of which they were asked to declare fitted persons for the duties of legislation? Why, it was Judaism. The Jewish religion was not the religion of the Bible, but the religion of the Talmud. It was neither more nor less than the religion of the Pharisees, perpetuated, through the Talmud, down to the present time. He could bring forward ample proof of that statement. He had on a former occasion made statements with respect to the dogmas of the Jewish religion, and had in consequence been led into a correspondence with a learned Rabbi of Birmingham; and the inquiries which he had by that means been compelled to institute enabled him confidently to assert, that the Jewish religion was not the religion of the Old Testament, but the religion of the Pharisees of the time of Christ, carefully transmitted in the Talmud by the Rabbis, their successors. That was the religion which the representatives of a Christian country were then called upon to consider as one of which the profession afforded a proper qualification for admission into that House. He should proceed to read certain extracts, which would, he thought, clearly show that that religion was such as he had just stated. He should first read a passage from a work entitled *The Old Paths*, by Dr. M'Caul, a most estimable and learned clergyman, and extraordinarily proficient in Hebrew and rabbinical literature, which knowledge he acquired in persevering and charitable labours for the conversion of the Jews. He possessed a most minute acquaintance with the history and position of the Jews. That author stated—

> "At the end of the daily prayers we find a whole treatise of the oral law, called *The Ethics of the Fathers*, the beginning of which treatise asserts the transmission of the oral law. In the morning service for Pentecost there is a comprehensive declaration of the authority and constituent parts of the oral law. 'He, the Omnipotent, whose reverence is purity, with his mighty Word he instructed his chosen, and clearly explained the law, with the word, speech, commandment, and admonition, in the Talmud, the Agadah, the Mishna, and the Testament, with the statutes, the commandment, and the complete covenant,' &c., (p. 89.) In this prayer, as used, translated, and published by the Jews themselves, the divine authority of the oral law is explicitly asserted, and the Talmud, Agadah, and Mishna are pointed out as the sources where it is to be found. For these two reasons, then, we conclude that the Judaism of the Jewish Prayer Book is identical with the Judaism of the oral law; and that every Jew who publicly joins in those prayers, does, with his lips at least, confess its divine authority."—From *The Old Paths*, p. 3, 4.

Then, again, he found, in the same learned author, the following passage:—

> "That Judaism is identical with the religion of the oral law, was proved in the first number, by an appeal to the highest possible authority—the Prayer Book of the Synagogue, which is not only formed in obedience to the directions of the oral law, but declares expressly that the Talmud is of divine authority. So long, therefore, as that Prayer Book is the ritual of the Synagogue, the worshippers there must be considered as Talmudists—believers in all the absurdities, and advocates of all the intolerance, of that mass of tradition. That this is no misrepresentation and no unfounded conclusion of our own, appears from the latest book published in this country by a member of the Jewish persuasion. Joshua Van Oven, Esq., has, in his *Introduction to the Principles of the Jewish Faith*, a chapter headed Judaism, which begins thus:—'The Jewish religion, or Judaism, is founded solely on the law of Moses, so called from its having been brought down by him from Mount Sinai. With the particulars of these laws he had been inspired by the Almighty during the forty days he remained on the mount after receiving the Ten Commandments; these he afterwards embodied in the sacred volume, known and accepted as the written law, and called the Pentateuch, or the Five Books of Moses, contained in the volume we term the Bible. We also from the same source receive, as sacred and authentic, a large number of traditions not committed to writing, but transmitted by word of mouth down to later times, without which many enactments in the Holy Bible could not have been understood and acted upon; these, termed traditional and oral laws, were collected and formed into a volume called the *Mishna*, by Rabbi Jehudah Hakodesh, A.M. 4150. In addition to this, we are guided by the explications of the later schools of pious and learned rabbis, constituting what is now known by the name of the Talmud or Gemara.'"—From *The Old Paths*, p. 645.

He should next read to the House the following extract from Dr. Raphall's sixth lecture. Dr. Raphall had been the Rabbi of the Jewish synagogue of Birmingham:—

> "The Mishna, or repetition of the law, was a compilation of the oral law or traditions which had been transmitted by the Rabbins, from 300 years before Christ till 200 years after his birth; and was composed by Rabbi Judah, of the school of Hilet, at Tiberias, who was a Pharisee, a lineal descendant of Gamaliel, whose teaching was acknowledged as law by the Jews all over the world. He undertook the work when the wars of the Persians troubled the Jews, because Adrian had attempted to exterminate the Rabbins, who were the sole exponents of this traditional law, and the rabbins feared it might have become extinct with them."—*Dr. Raphall's 6th Lecture.*

The Mishna is the text-book of the Talmud, and Dr. Raphall says of it—

> "One necessity for this work was by a strict line to mark the difference between the Church and the Synagogue, because the more widely the Church spread and progressed, the more anxious the Synagogue became that its adherents should be distinct from it; for there were many Christians who in the beginning of the third century celebrated the Sabbath along with the Jews on the seventh day, and who practised circumcision, and abstained from forbidden meats, as the Jews did. It was, therefore, no longer possible for the law of Moses to distinguish the Jew; and so correct were the views of the Mishna, that even now the ritual law of that compilation stamps the Jew and marks his identity."—*Dr. Raphall's 6th Lecture.*

They had this modern authority in confirmation of the words of our blessed Lord and Redeemer, who said—"Why do ye also transgress the commandment of God by your tradition? Thus have ye made the commandment of God of none effect by your tradition." That was as true at the present day, and as capable of proof, as in the time of our Lord. He had heard it disputed in that House whether the Jews of this country were lineally descended from the Jews who dwelt in Jerusalem in our Saviour's time. But, however that might be, they avowedly and openly professed the religion transmitted to them by those Jews, in the Mishna, which had been compiled by Rabbi Judah the Holy (or Jehudah Hakodesh), who was of the school of Hillel; and the following was the language held by Maimonides, the greatest, perhaps, of the latter Rabbis, with respect to Hillel:—

> "Hillel, a Jewish rabbi, and contemporary with Christ, descended from a Jewish family of Babylon. He contributed to the rise and flourishing state of the Jewish colleges at Tiberias, Lydda, Cæsarea, &c., by his critical and exegetical lectures on the Old Testament, which he delivered before the Jewish congregations at Jerusalem. These lectures were subsequently collected, and passed by the name of Massorah (traditional lore). He belonged to the sect of the Pharisees, was one of the founders of the oral law, and stood at the head of a school of his own in opposition to that of Shamai."—From *The Preface to the Yad Hazakah, by Maimonides, as given in Bishop Buxtorf's Preface to his Biblical-Concordance.*

He (Mr. Newdegate) thought these extracts were enough to satisfy any reasonable man that Judaism was not the religion of the Old Testament, but of the Talmud, which includes the Mishna; that the Talmud is the Khoran of the Jew, and that Judaism is the religion held, taught by, and carefully transmitted from, the Pharisees of the time of Christ. But he wished to call the attention of the House to the character of the religion which had been so framed. He believed that he could not quote a higher authority upon that subject than the elder Disraeli. What had he said of that religion? He had said—

> "Such was the triumph of those 'whited sepulchres,' the Pharisees, enemies of reform and of Christ, they built a labyrinth from whose dark intricacies there was no issue; they hammered out a network of iron from age to age, from whence no captive could extricate himself. As their religion decayed, and their superstitions multiplied, the human passions had a wider stage opened whereon to perform their part. The pride of domination kindled in the breasts of the 'dictators' who held the fate of an enslaved people in their hands. Pale with vigils, but paramount in power, the rabbins sat exalted in their chairs, while their disciples were 'rolled in the dust of their feet,' as they pompously described the sovereignty of their divinity schools. There, at least, the prostration of the body could not be as great as that of the understanding."—From *The Genius of Judaism*, p. 176–7.

That was the religion which they were called upon to declare, constituted an equal qualification with their own for admission into that House. In the same work of Mr. Disraeli the elder, he found the following passage:—

> "A human supersedes the divine code. The institutes of Moses are not in reality the laws of the Jews. Two human codes have superseded the code delivered from Heaven. The one originates in imposture—that of the traditions; and the other is founded on tyranny—that of their customs. Twelve folios of the Babylonish Talmud, or 'The Doctrinal,' form this portentous monument in the intellectual history of man. Built up with all the strength and subtlety, but with all the abuse, of the human understanding; founded on the infirmities of our nature, a system of superstitions has immersed the Hebrews in a mass of ritual ordinances, casuistic glosses, and arbitrary decisions, hardly equalled by their subsequent mimics of the Papistry."—From *The Genius of Judaism*, p. 77.

That was the description given of the Jewish religion by the learned author of the *Genius of Judaism*, with respect to the complete supercession of the Bible by later doctrines and traditions. He knew that the hon. and learned Member for Sheffield (Mr. Roebuck) would say, that they had nothing to do with any religious question upon that occasion—that no question of religion came properly within the functions, or ought to enter into the consideration, of that House. But he would ask the hon. and learned Member whether they had not at least something to do with questions of morality? He would ask the hon. and learned Member in what other religion he could find a morality as pure as that inculcated in the Gospel? He would ask the hon. and learned Member whether he had ever considered the morality inculcated in the Talmud? He found that morality described as follows, in the work entitled *Old Paths*, by Dr. M'Caul, from which he had already quoted:—

> "The oral law loosens the moral obligations. It teaches men how to evade the Divine commandments, as was shown in Nos. 11, 14, and 15. It allows dispensation from oaths, as proved in Nos. 56 and 57. It allows men to retain what they know does not belong to them, if it only belongs to a Gentile (p. 18), or to an unlearned Jew, as appears from No. 59. It sanctions the murder of the unlearned. It is a persecuting and intolerant system. It gives every rabbi the power of excommunicating the Jews (No. 31); and it commands the conversion of all the Gentile nations by the sword (No. 6). It forbids the exercise of the commonest feelings of humanity to those whom it calls idolaters. It will not permit a drowning idolater to be helped, nor a perishing idolater to be rescued, nor an idolatrous woman in travail to be delivered."—From *The Old Paths*, p. 647–8.

It might, however, indeed it had been, argued that the modern Jews rejected the anti-social and immoral doctrines of the Talmud. But, again, he found in the same work the following passage, showing the doctrine of oaths inculcated in that religion, and also proving that no modification of the religion was possible :—

> " The body of traditions is a whole which cannot be parted. They have all come down resting on the same evidence ; if the evidence is invalid in one case, it is invalid in all; and if any one admits validity in some cases, he cannot, if a reasonable man, deny it in others. He may dispute about the conflicting opinions of the Rabbis; but if he admit any one of those doctrines which are called traditions from Sinai, he must admit them all, and consequently this, which professes to be one of them. (Dispensation as of the oath of Zedekiah to Nebuchadnezzar.) It remains, therefore, for the Israelites of the present day to choose whether they will still retain the system of the oral law, and thereby sanction the dispensation from oaths, or whether they will repudiate this doctrine, and thereby renounce the whole oral law."—From *The Old Paths*, p. 622, 623.

It would be no answer to the allegations in these extracts to say, that many enlightened Jews in modern times had departed from the doctrines of the Talmud. Baron Rothschild himself was the chief supporter of the Eastern Synagogue, which was the expounder of the most rigid Talmudic doctrines in this country, and which had excommunicated the reformed Jews of the metropolis. If Jews departed from the doctrines of the Talmud, they must, no doubt, have become improved by the change; but they would have ceased to be professors of the Jewish religion, and, therefore, would not be contemplated by the provisions of that Bill; and would to Heaven, he should say, that they might become Christians ! But while they profess the Jewish religion, and seek to make the profession of it a qualification for admission to Parliament, the question as to whether the doctrines of that religion were such as should qualify men to legislate for a Christian country, cannot be evaded. He believed that the worst possible scheme for inducing the Jews to embrace Christianity would be to remove the barriers which at present excluded from seats in the British Legislature the professors of that dreadful religion. He had heard it used as an argument that Jews had been admitted to civil and administrative functions, and that they were constantly examined as witnesses in courts of justice. But there was surely the utmost possible difference between examining a witness where he had merely to depose to facts, under a penalty if he should be guilty of perjury, and entrusting him with the right to make laws for a Christian country. That question had recently been agitated in other countries, and it would appear that a simultaneous movement had been directed to the attainment of legislative functions by the professors of the Jewish religion in different nations of Europe. In the year 1850 the Jews had presented a petition to the Prussian Parliament, in which they had set forth their grievances, and demanded admission to the civic dignities and municipal functions of the State, in imitation of the privileges granted to the Jews in England; and more especially as a Jew, Baron Rothschild, had even been elected Member of the English Parliament, stating that his admission was only retarded until the oath of abjuration should, next Session, be altered or even abolished altogether. In answer to that petition, the Prussian Parliament had resolved, on the 17th of June last, by a majority of 67 against 33, " That the citizen Jews in Prussia be admitted to the municipal posts of the realm, provided that such of the Jewish candidates on whom the election falls take an oath of abjuration in the following words :—

> " I, M. N., hereby declare on my solemn oath, and without any mental reservation whatever, that I do not believe in my conscience that the dogmas and doctrines contained in the Talmud and other Jewish books of received authority, which allow unfair dealings and actions towards a Christian and Christian community, be of Divine authority and origin ; and, on the contrary, I do herewith condemn all such doctrines by which the public and private safety of the Christian society may be endangered, as wicked inventions of men who had not the fear of God in their heart. So help me, God !"—From *The Prussian States Gazette*, published in Berlin.

But the Jews of Prussia had refused to take that oath. They had refused to abandon any portion of their traditional religion, and the measure was in consequence abandoned by the Prussian Parliament, and the condition of the Prussian Jews remained in consequence unaltered.

> " In the Rhenish provinces of Prussia, by the promulgation of the *Code Napoleon* the Jews were put on a perfectly equal footing with the Christians; but already, in 1808, in consequence of the many complaints against the usurious and fraudulent transactions of the Jews, Napoleon was induced to issue a decree, by which the laws regarding debts owing by Christians to Jews were greatly modified, and by which the Jews were prohibited to lend money upon pledges or pawns to servants and labourers, or to receive from mechanics, labourers,

> and servants, tools and clothes; while hawking in the rural districts was only allowed to them under certain restrictions, and permission to carry on mercantile occupations generally was granted to the Jews only under a certificate from the local authorities of their honest and moral conduct, which certificate was to be renewed annually. That decree originally professed to be in force only for a period of ten years; but in 1818 the Judicial Commission at Cologne declared that the Jews were still given to the nefarious spirit of chaffery, and that they were still endangering the prosperity of the rural districts by their cunning, fraud, and usury; and that restrictive decree of 1808 was consequently kept in force for a longer period. In 1826 that decree was even extended to the whole of the German Union, while the Prussian and Bavarian commissioners and judges of peace who were appointed in 1844 to investigate the matter, reported from their own experience, that the pernicious influence of the Jews on the lower classes was still in existence; while the Government of Aix-la-Chapelle added the observations, that even the rich and respectable Jews were employing a host of chaffering Jews, who carried on a regular system of usury among the lower classes of the State."—From *Lexicon d'Gegenwart (Lexicon of the Present Time).*

He (Mr. Newdegate) had almost forgotten to state, that in the Prussian Parliament, Session of 1847, a Motion was made to admit the Jews to seats in Parliament on the principle of "equal duties, equal rights," which was rejected. The Government at once opposed it, saying, "That it is the decided will of the Cabinet to uphold the character of a Christian State; and it is therefore desirable that the assembly should act and vote in the spirit of Christianity." In Hanover the Jews are still excluded from all political rights both municipal and parliamentary—they could not even become free landholders without the special consent of Government. Similar restrictions existed, under a more or less modified form, in nearly all the other States of Germany, the Hanseatic towns not even excepted. The electorate of Hesse, indeed, formed the sole exception, where, since 1833, they possessed civil and political rights, but were forbidden to vote or co-operate in any matters that concerned the Christian Church. In Austria there was still in force the edict of the Emperor Joseph II., by which the Jews possessed neither status nor civil rights, but passed by the name of protected relations. They were excluded from all civic service and functions, but might be received on distinguished merits into the Austrian nobility; neither could a Jew settle in the Austrian capital without the special consent of Government; and that prohibition extended even to the Austrian Jews who were already domiciled in some of the Austrian dominions. In the year 1835 the remission of these laws had been contemplated, but had afterwards been entirely relinquished. In the year 1848 the pretensions of the Jews had been rejected by the Senate of Hamburgh, by a majority of 21 to 6. On that occasion a most remarkable document was enrolled among the state papers of the Senate of Hamburgh, illustrating, by the example of Poland, the baneful influence of Judaism where Jews obtained political influence. Poland might serve as a warning example of the fact, that in all Christian countries where the Jews were allowed a wide sphere of political operation, corrupt and destroying elements were introduced and propagated in society, to the ruin of the State at large. In Poland one-tenth of the population were Jews, and he need not say that she was perhaps the most miserable nation in the world. For his part, he had always felt deeply upon that subject; and the more he meditated upon it the more did he become convinced that the admission of Jews to the British Parliament would be a measure fraught with the deepest danger to the best interests of this empire. He had heard that Baron Rothschild was an estimable person: he wished to say nothing against him as an individual, but he did not think it was advisable that they should have sitting in that House an individual who regarded our Redeemer as an impostor. That was, no doubt, however, a fact which the hon. and learned Member for Sheffield would tell them they had no right to consider.

MR. ROEBUCK: Why do you say that?

MR. NEWDEGATE said, that he had heard the hon. and learned Member repeatedly contend that they had no right to appeal to a sense of religion in that House.

MR. ROEBUCK said, he should ask the right hon. Gentleman the Speaker, if that was a proper mode of dealing with a discussion in that House? The hon. Gentleman had made references to former debates; but if he (Mr. Roebuck) had said anything wrong in the course of those debates, the Speaker would no doubt have called him to order. He denied the right of the hon. Gentleman to make those grave and general imputations; and everybody acquainted with the state of religious feeling in this country knew what such imputations meant.

Mr. SPEAKER said, that the hon. Member for North Warwickshire had a right to refer to the language held in the course of debates in former Sessions. The hon. and learned Member for Sheffield was irregular in his interruption; the hon. and learned Gentleman would have an opportunity of replying to the hon. Member for North Warwickshire.

Mr. NEWDEGATE continued: He had always understood that the hon. and learned Gentleman had contended that that House had nothing to do with any question of religion in considering subjects of that description. But that was a measure open to peculiar objections. There was no religion which made it an essential point to reject the Divine mission of the Redeemer so markedly as the Jewish religion; and on that account he denied that the professors of that religion ought to be admitted to a seat in a Christian Legislature. He believed with Paley that there was no more striking proof of the truth of Christianity than the wandering and unsettled condition of the Jews; he believed that, by the nature of their religion, by permitting them blindly to cling to the lamentable delusions on which it was founded, and which it generated, the will of God was accomplished in the scattered condition of the Jewish people. Was it prudent, was it right, was it safe to appoint those to legislate for this Christian country whom God seems to have decreed to be unfit to legislate for themselves? He might be considered by some uncharitable for having urged his opinion so strongly, and having prosecuted the inquiries upon which it was founded so keenly; but he found his commission to inquire into the nature and spirit of this Jewish religion, and the condemnation of this measure now before the House, in the words of an inspired writer, which no Christian ought to neglect:—

> "Beloved, believe not every spirit, but try the spirits whether they are of God, because many false prophets are gone out into the world. Hereby know ye the Spirit of God: every spirit that confesseth Jesus Christ is come in the flesh, is of God: And every spirit that confesseth not that Jesus Christ is come in the flesh, is not of God; and this is that spirit of Antichrist whereof ye have heard that it should come, and even now already is it in the world."—(1st Epistle of St. John, c. iv., v. 1, 2, 3.)

He could not forget that the people of this country had, for hard upon a thousand years, professed the Christian religion; that they had been governed by Christian sovereigns according to laws framed by Parliaments exclusively Christian; and that this country had, during that period, under the merciful dispensation of Providence, expanded her dominion from the narrow confines of a seagirt isle till she had acquired territories upon which the sun never sets, and had become one of the greatest empires the world had ever known. He believed that by adopting that measure they would be guilty of a departure from their duty as Christian legislators—the Christian representatives of a Christian nation—and he should therefore move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. ROEBUCK said, he would take the hon. Gentleman (Mr. Newdegate) as a type of the objections brought against this Bill. He passed by the personal allusions to himself, which were out of place, but the first question asked by the hon. Gentleman that was of a pertinent character was, what was the character of those who asked to be admitted, by this Bill, to the full privileges of Her Majesty's subjects? Before he (Mr. Roebuck) went into that inquiry, he would ask what it was they swore when they came to the table of that House, and how it was that they swore it? There never was such a mistake as the hon. Gentleman had made when he thought there was anything so vastly peculiar in the oath taken by Members of that House as to impress on it a character entirely different from that of the oath taken by witnesses. First, they swore that they would be faithful to the Queen; next, they took the Oath of Supremacy, which related to the power of the Pope; and lastly, they took the Oath of Abjuration, which was obsolete now, seeing that there was no Stuart in existence as a pretender to the Throne. Hon. Members swore, first, fidelity to the Queen. He (Mr. Roebuck) asked, having ascertained what it was they swore to, how they swore to it? He would ask hon. Gentlemen opposite what was the meaning of an oath? The hon. Gentleman (Mr. Newdegate) told the House he had had controversies with a Rabbi; and the hon. Gentleman said he was enabled, from his learning—of which, by the way, he (Mr. Roebuck) trusted the hon. Gentleman would pardon him if he stated that he had not been able to discover any trace in the hon. Gentleman's speech that evening, to say that there was a distinction between the Bible and the Talmud. He (Mr. Roebuck) might cite the case of the Roman Catholics, a much larger body than Protestants, who took the Bible, the New Testament, and tradition, as their rule of faith; and when the hon. Gentleman said there was a rule, a book, and a formula, which was not in the Bible, but which stood almost in the same position as the Bible, he (Mr. Roebuck) would ask, was there not such a thing in the Church of England? Was the hon. Member aware—he gave the hon. Gentleman every advantage to be derived from ignorance—that there was such a thing as the Rubric and the Thirty-nine Articles? And were they not every day appealed to in all that regarded the outward forms of religion? Now, let him (Mr. Roebuck) ask, what was the nature of an oath? The Jew came to the table of that House, and was about to swear that he would be faithful to Her Majesty. He said, "I am about to bind myself by a sanction, the strongest that I can bring, to prove that I am not only now a faithful subject of Her Majesty, but that I will continue faithful to her." And did not the Jew take that oath on a book from which Christians had derived the main principles of their morality? And did he not bind his mind, in this world and in the next, by the strongest possible sanction by which religion could influence him. He (Mr. Roebuck) wanted to know what was the meaning of an oath? Had the Jew not an oath as forcible, as binding, and as influential on his conscience, as the most pattern Christian in that House. He said, "I bind myself to be first faithful to the Sovereign of these realms; and I bind myself by that sanction which is called the religious sanction." What did the Jew do? The hon. Gentleman had not drawn the distinction which he might have drawn. The Jew said, "I bind myself to do that, on the penalty of incurring the anger of the God that governs this world if I falsify the oath which I have taken." Some Jews confined that anger of God to the time during which they should remain on this earth. He (Mr. Roebuck) was absolutely obliged to mention those things because the hon. Gentleman (Mr. Newdegate) had dragged these subjects into discussion. There was another class of Jews who believed in the immortality of the soul, and who said the anger of God would pursue them until and after death if they falsified the oath which they took. Now, that was the form, substance, and effect of the oath which the Jew took at the table of that House. Now, he would ask the hon. Gentleman (Mr. Newdegate), who was a pattern Christian, what he (Mr. Newdegate) swore to when he took the oath? If he did not swear to that, would he tell him (Mr. Roebuck) what he did swear to? But the hon. Gentleman said they were a Christian Legislature. He (Mr. Roebuck) wished they were judged of for being a Christian Legislature by their deeds, and not by their professions. He wished they were Christians by kindness, and not by definitions of their belief. He wished there was something that would smooth all their asperities through the exercise of kindness, charity, and love, and that they did not arrogate to themselves, however weak and impotent, a perfect monopoly of wisdom. The hon. Gentleman assumed to himself at once the character of infallibility. Had it never suggested itself to that hon. Gentleman's mind, that there might be a man brought up in the Jewish religion—and it was wonderful how men were affected by the religion in which they were brought up—amiable in character, commanding in intellect, perspicacious, clear, inquisitive, and powerful in exercising the means of investigating what was true? Now, he put that as peculiarly apposite to the hon. Gentleman. Yet the hon. Gentleman, because he had been educated in his faith, and because that happened to be the faith of this country, called that great man, possessing that wonderful emanation of intellect which God had given him, weak, and stamped him with ignominy, because he did not agree with him (Mr. Newdegate) in his religious opinions. Let hon. Members think of what they were doing. He (Mr. Roebuck) acknowledged all the wonderful consequences of the Christian dispensation; but could he shut his eyes to the first great half of that dispensation? The hon. Gentleman had told the House that the Talmud was a bad thing; but had he told them that the Jews were bad subjects, bad fathers, bad husbands, bad citizens? Not at all. The hon. Member thought them exceedingly amiable men, and not inferior to hon. Members in intelligence and morality. "But," said the hon. Gentleman, "they don't believe as I do." If that was all, he (Mr. Roebuck) should be very much of the opinion of the Jew. If it was the only thing one had in favour of the Christian religion that the hon. Gentleman was a supporter of it, he (Mr. Roebuck) should cast about with the view of turning anything else but a Christian. Intellect! Charity! Did the House ever see such an example of it? The thing was an insult to a body of men who called themselves instructed, to exclude from the ordinary privileges of ordinary subjects a body of persons remarkable for the strictest morality, and distinguished by a peculiar capacity of intellect. The hon. Gentleman told him that he did not agree with him (Mr. Roebuck) in his belief. If that was to be the rule, hon. Members might all walk out of the House. He did not agree with the hon. Gentleman himself in any of his opinions, and certainly not in the formula in which it was possible to put his opinions. But, said the hon. Gentleman, the hon. and learned Member for Sheffield did not take religion for his guide. Let hon. Members understand what that meant. Let them recollect in what country they were. They were in an United Kingdom, composed of three separate parts, England, Scotland, and Ireland: the Englishman was for his belief, the Scotsman for his, and the Irishman for his; yet, every one of them was characterised by a difference of religious opinions, and in past times those differences and separations, though there were great agreements between them, made the right hand of every man who was of a different belief, strong and active, and, with a sharp weapon in it, active against his neighbour, who differed from himself. They called themselves, it was true, Christians; but they never forbore to cut one another's throats, though they were ever so Christian. Now, when that was the case, how could any rational man—he did not mean the hon. Gentleman (Mr. Newdegate) he meant any rational man—how could he possibly say that any particular form of religion should be the guide for those who represented those three separate bodies of men in conducting the legislation of that House? But it was said that though those three bodies of persons differed on some points, they were, what they called themselves, Christians. It was true they called themselves by the same name. That did not in any way, as they would tell hon. Members, alter the morality of any one of them, and that the Presbyterian might be as good a father, brother, or husband, as the Episcopalian or the Catholic. Now, he would go a step further, and put it to any one Member of that House whether he did not look upon a religious Jew as being as good a man as the others? Was he not regarded as good a man, as good a citizen, and as good a husband, father, and brother, as any one who called himself Christian? The answer would be, "Yes," and, that being so, it would be said, "Then let him when he comes to the table of this House take the oaths." Well, the Jew took the oath of fidelity to the Queen, and made no objection. Then there was the Oath of Supremacy. Well, the Jew objected to the Pope; he did not like the Pope, or any foreign Prince, having any supremacy in this country. Let him take that oath also. But then came the Oath of Abjuration. What did that abjuration mean? There was a certain family called the Stuarts once on the throne. They were kings of England, and were expelled in 1688. They had tried ever since to come in. But it had been asked—were the Stuarts not extinct? Yes, they were extinct. Well then, what was the use of that oath? Although a person taking that oath swears to nothing which could bind a human being, because there was not a Stuart in existence; there was at the end of it the words, "on the true faith of a Christian." There was another oath which referred to the Roman Catholics, and which did not contain those words. So that the Roman Catholic Member could come to the table and take the only two oaths which were of any importance, because one of those oaths was framed before the extinction of the Stuarts, and that oath he could take without the slightest reference to his Christianity. Now, he asked, was not this, then, a farce from beginning to end? The hon. Gentleman (Mr. Newdegate) would tell him that that was a Christian House. But he should like to ask them this question—suppose there should be a set of men who could not be bound by any such declarations—men who would say, "I know there is weakness in human nature; I know that its various forms of religion affect weak minds which fix upon the forms and not the substance of religion; but no wise man is to be bound by the weaknesses of such ignorant individuals." He was supposing no ideal character; he was speaking of one who was willing to be bound by all the sanctions that ought to bind mankind, but who was unwilling to subject himself to the ignorance and weakness of human nature. Now, who was it that they excluded by their present system? The man of sensitive honour—the man of peculiarly sensitive character—such a man would take the oath in question on the symbol prescribed by his religion; yet such a man, sensitive in honour and character, they excluded; but they let in the Gibbons and Bolingbrokes, and hundreds of others, who were willing to be bound by the tenour of their merely earthly oaths. Take the case of a Court of Justice. An honest unbeliever was asked if he believed in the Bible; and, being a conscientious man, he answered No, he did not; the consequence was he was excluded from the witness-box. So that they drove a man, who was really sensitive and honourable, out of court, and they could not avail themselves of his testimony. Then they had another man of precisely the same religious belief, but different in point of honour; he was asked did he believe in the Bible. To such a man the Bible was a thing merely of paper; he took the oath, and they had the benefit of his testimony. So that they excluded the man of honourable character, and admitted the rogue. Exactly the same thing was done in that House—they excluded the man of sensitive honour. Suppose a man was no Jew, no Christian, no religion, they could not exclude him. Such a man laughed at their cobweb oaths. Where was their Christianity then? The fact was, that those oaths were the means of injuring and insulting a large body of their fellow-countrymen, without the slightest benefit to hon. Members themselves. No benefit was done either to one or the other by a principle of that description. But he would tell them what it did. It gave to the weak man of bigoted disposition, narrow mind, little knowledge, and small power, but bitter spirit, the means of spitting his spite against better men than himself. It gave a power of ignorance, malevolence, and malignity that would be destroyed and rendered utterly ineffective if the great principles of a generous morality and genuine Christianity bound them in their legislation. He fancied men did their duty best in that station of life to which it pleased God to call them, by not attempting to judge others, lest the consequences might be that they would themselves be judged.

Mr. WIGRAM said, this was a Bill which professed only to enable Jews to sit in that House; but if its principle was sound it must be carried a great deal further, and be extended to all who were not Christians. He could not see why admission might not as well be claimed on behalf of Mahomedans; and it was not improbable, certainly not impossible, that some of our wealthy Mahomedan subjects might think it worth while to become naturalised and ask to be admitted as Members of that House. As the law now stood, a Roman Catholic could not take his seat without swearing that he would not use his privilege to the prejudice of the Christian institutions of the country. [An Hon. Member: No, no!] They swore that they would not use it to the prejudice of the Established Church, which was an institution of the country. But this Bill proposed to admit Jews without asking any pledge as to the manner in which they would use the privilege. In introducing the Bill, the noble Lord at the head of the Government (Lord John Russell) had said that the real question involved was whether religious opinions should be a bar to the enjoyment of civil liberties; and the hon. and learned Member for Sheffield (Mr. Roebuck) had treated the case in the same manner. This was begging the whole question. Convince him that the question was merely whether Baron Rothschild's opinions ought to interfere with his civil privileges, and he was not sure that he would not support the Bill. But this was not a question of civil privileges. It was doubtless an honour and distinction to have a seat in that House. But in considering the constitution of the national senate, they ought not to be guided by considerations as to the title, honour, or aggrandisement of its Members. The representatives of the people were not sent there for the sake of privileges or dignities for themselves. The only point to be considered, the rule by which they were bound to decide, was what constitution of that House was best calculated to promote the benefit and advantage of the community at large. What they were bound to look to was, that the House should be so constituted as to command the respect and confidence of the people; and he would vote against this measure, because he believed that, if that House was to be constituted without reference to the profession of Christianity by the Members, they would not have the respect and confidence of the people. In a great country like this, considerable diversity of opinion, of course, was to be met with; and there were probably some who looked upon Christianity itself as a matter of little moment; but such, he believed, was not the case with the great mass, especially the educated classes of this country. Such being the feeling, no Legislature would secure the respect and confidence of the country which was not at least an assembly calling itself Christian. He had been speaking as though they were reconstituting the House. But they must remember that they were not now framing a constitution for England. They had not yet come to that pass. They had a Parliament which from its commencement for centuries had been a Christian assembly. It had been urged that Jews were excluded by the mere accidental occurrence of certain words in an oath, "On the true faith of a Christian." That might be perfectly true; the words were not introduced for the purpose of excluding Jews. But why were they inserted? Because by the common consent of everybody, it was taken as a matter of course, as a long acknowledged part of the law, that none but Christians could sit and legislate in that House. The question was, then, whether they ought to change the constitution. For the reason which he had given, he thought they ought not. He objected to the measure, also, because the admission of persons with religious views so widely differing from those of the rest of the House, must be attended with great inconvenience. He objected to it also, on account of the peculiar relative positions of the Legislature and the Established Church, the latter of which could not be in any way remodelled without the permission of the former. He acknowledged that as far as he had had personal knowledge of individuals belonging to the Jewish religion, they had possessed his respect; but even if he were advising a Jewish nation in which the same feeling prevailed as to the admission of Christians to their legislative assembly, he would give them the same advice, and would caution them not to indulge in a mistaken liberality at the cost of losing for their national legislature the confidence and respect of their nation. If this Bill ever became law — which he trusted it never would—he was persuaded that it would inflict a great wrong on the people of this country.

The SOLICITOR GENERAL felt great pleasure in congratulating the House upon the tone assumed by the hon. and learned Member for the University of Cambridge, widely different as it was from that with which the Debate had been opened. He (the Solicitor General) must confess that he was scarcely in a position to reply to the observations of the hon. Member for North Warwickshire (Mr. Newdegate), who had taken up a purely Scriptural ground. The hon. Gentleman could hardly suppose that he relied more upon the authority of Scripture, or had a greater respect for it, than other hon. Members, who differed from him in opinion; and he asked the hon. Gentleman whether it was fair or right, in an assembly which, according to himself, boasted to be Christian, to assume as the foundation of his argument a ground which he knew full well might be equally assumed by every Member of that House? The hon. Gentleman (Mr. Newdegate), in founding his argument upon Scripture, and introducing a theological discussion upon it, only showed how much he misunderstood it. For his part, he would not enter into any theological discussion, either as respected the Jewish Sabbath, or any other question. The same arguments as were brought forward to defeat the present measure had been urged against the Roman Catholic Relief Bill. The House was then told that the Roman Catholics were immoral; that they were perjurers; that they were not to be believed upon their oaths; and that they were guilty of idolatry. It was high time that this kind of idle discussion should be thrown to the winds, and that they should debate the measure on high and statesmanlike grounds. The question was, whether or not a considerable portion of their fellow-subjects were to be excluded from the privileges to which they were entitled, and whether the electors of this country should be deprived of the right to elect them as their representatives in Parliament? These were the real grounds on which the House ought to argue this question. There might have been some excuse for the discussion to which he had alluded on the question of the Roman Catholic Relief Bill, because, in that case, there was a policy about to be altered; but, in the present, he must confess it appeared to him that instead of arguing on policy, they were arguing on accident. A very considerable portion of their most industrious, most able, and certainly not least loyal fellow-subjects, were excluded from their undoubted privilege by an oath accidentally imposed on them, originally levelled against Papists, and the refusal to take which subjected the parties to the penalty of being deemed to be, to all intents and purposes, Popish recusants. The first proposition of the hon. and learned Gentleman (Mr. Wigram) was this, that if the measure were right it did not go far enough, and that its legitimate consequence would be to confer the right of a representative on a Mahomedan. He was surprised to hear that argument from his hon. and learned Friend, for he (the Solicitor General) knew how intimately his hon. and learned Friend was acquainted with the charter of the East India Company. He ought to have recollected that there was a clause in the last Act of the Charter of the East India Company which it would have been well if the House had adopted long ago. The words were these: "That no person whatsoever shall be excluded from any office, civil or military, by reason of his colour or religion;" and at that moment a Mahomedan might be the Governor General of India. And if a large body of Mahomedans were permitted to live in this country—if they were industrious—if we taxed them—if we imposed upon them the burdens of citizenship, they would, without a doubt, be entitled to share our privileges. The next remark which the hon. and learned Gentleman the Member for the University of Cambridge made was this—convince me that you are excluding persons from civil privilege on the ground of their religious opinions, and I will be disposed to support you; and he went on to say that it was a wholly mistaken view of the case to say that it was any privilege to be elected a Member of that House.

Mr. WIGRAM: I said I did not think that this question could be rightly decided by a reference to religious opinions.

The SOLICITOR GENERAL would take the definition of the hon. and learned Gentleman as he had stated it. But he (the Solicitor General) asserted that it was a privilege, and a high privilege, to sit in that House, and so it was considered by Members as well as by constituents; how, therefore, could the hon. and learned Gentleman reconcile it to his notions that the Baron de Rothschild should be deprived of this privilege solely on the ground that he could not, consistently with his conscience, take a particular form of oath? What does this amount to but exclusion on the ground of religious opinion? The hon. and learned Gentleman then went on to say that this House ought not to constitute the Legislature in such a manner as that the people of this country would have no confidence in it. But it was remarkable that the Baron de Rothschild should have been returned by the second largest constituency in the empire—that he should not only have been returned once, but on his resignation he should again have been elected by a large majority, and this by a constituency of Gentlemen possessing as much earnest Christian feeling as the hon. Member for North Warwickshire (Mr. Newdegate). Under these circumstances, did not the argument of the hon. and learned Member for the University of Cambridge fall under him? Has he not begged the question when he says this proceeding will be distasteful to the feelings of the country? Here he had the second largest constituency in the kingdom directly telling him that he was mistaken. Now he (the Solicitor General) believed that the feeling of the electors of London was the prevalent feeling of the people of England. He believed that the people of England were opposed to every disqualification which did not rest on a legitimate footing, not being founded on the incapacity of the party to discharge his duties, but solely founded on his peculiar religious sentiments. The hon. and learned Gentleman talked of our constituting this House. We had not grown up by framing new constitutions, but on a principle, and the principle is this, that those who bear the burdens of the country are to have some voice in its Legislature; and as they could not all give their opinions, they were therefore to be represented. That was the principle on which they had always gone. The Legislature had from time to time imposed restrictions on that which should be the privilege of every citizen, and they did so for the common advantage. It prevented a person from sitting in that House who was under the age of twenty-one. It prevented a person not qualified by the possession of a certain amount of property from sitting amongst them. There might or might not be some sound reasons for these limitations; but they had been adopted by the common voice. The principle of the constitution was this—absolute right to be elected, unless there was some legislative disqualification; and what was the source of the disqualification under which Baron de Rothschild laboured? It happened that whilst they were hurling penal enactments against the then existing grievance of Roman Catholic disaffection, words were introduced which happened to suit the case of the Jews. He well remembered in a former debate, when the hon. and learned Member for Midhurst (Mr. Walpole), speaking against the Jews, urged that he would concede to them the *jus civitatis*, but not the *jus honorum;* and he was answered by a memorable quotation from Lord Bacon, which will bear repeating. It was the late Sir Robert Peel who quoted that passage of Lord Bacon in the famous case of the *Post-Nati*, which concluded by saying, in reference to the rights of citizenship—

> "I know that other laws do admit of more curious distinctions of this privilege; the Roman law had the *Jus civitatis, Jus suffragii*, and the *Jus petitionis et honorum*, but such a distinction is not known to the laws of England."

What, however, was now the very narrow ground of exclusion of the Baron de Rothschild? They had admitted him to the table and he had taken two oaths; they had declared his seat not vacant, and they had refused a new writ, and in fact the question before the House was not as to his privilege, or as to his right, but whether it would permit him to take the necessary oaths in the form most binding on his conscience. They could not indeed argue the question on the constitution of the House: the time had gone by for that; if they made up their minds to permit them to live here, they should admit them to the rights of citizenship. For thirteen years after they admitted the Jews into this country, from the 1st of William III. to the 13th of William III., there was nothing to prevent them from sitting in that House. Did this country lose its character of being a Christian country by the admission of the Jews? Certainly not. Neither would Parliament lose its character as a Christian legislature, because a few Jews were admitted into it. Was it a decree of Providence, as the hon. Member for North Warwickshire (Mr. Newdegate) alleged, that England should be visited with all kinds of misfortunes and calamities if a single Jew were admitted to a seat in that House, when they were not visited by the same calamities because of their permission to Jews to reside amongst them? The Jews were permitted to labour hard here in their vocations—they might accumulate money—they might pay our income tax—they might sit at our tables, marry our daughters, serve on juries, fill the office of high sheriffs by whom those juries were summoned, and all this was done without the Divine vengeance falling upon our heads. The hon. Member (Mr. Newdegate) would have done well, if when searching the Talmud or accumulating rabbinical lore, he had borrowed the sentiment of one of their beautiful apologues, which Jeremy Taylor had given to the world:—

> "Father Abraham was sitting at the door of his tent one day, when a weary old man of fourscore years demanded hospitality. Abraham invited him into his tent and set food before him, but perceiving that he did not offer up prayer on sitting down to his repast, he arose, and cast him forth. He then heard a voice say, 'Abraham, Abraham, where is the stranger?' And Abraham answered, 'I have expelled him because he did not worship thee.' And the Lord then said, 'I have borne with him for eighty years, could not you bear with him for one night?'"

If the hon. Gentleman thought that these 30,000 or 40,000 Jews that were now in the country had unchristianised it, he was very wrong in not introducing a Bill for the purpose of expelling them. We have not only, however, admitted Roman Catholics into this House, but also the Society of Friends and the Moravians. But we have even gone further. We have enabled the Quaker and the Moravian to make a declaration without an oath, and without the words, "on the true faith of a Christian." But it was said that we knew that the Quakers and the Moravians are Christians. We had, however, gone much further than that. There was an Act passed some years since, in consequence of the dissensions and divisions amongst the Quaker sect, by which it was enacted, that if any person ever had been a Quaker or a Moravian, he might take the Quaker declaration upon all occasions, of course, therefore, when elected a Member of that House. Now, the hon. Member for North Warwickshire, to be consistent, should endeavour to repeal that Act, for persons who might openly profess Atheism could not be excluded if they approached that House under such a declaration as he had just referred to. The hon. Gentleman, however, said that Baron de Rothschild had improperly attempted to alter the oath. Now, it was Baron de Rothschild's firm determination not to take the House by surprise; but, having deliberately repeated the words that were first uttered by the clerk at the table, he stopped when he came to the words, "on the true faith of a Christian," and made a formal declaration against using them.

MR. NEWDEGATE: But he concluded the oath.

The SOLICITOR GENERAL had the Journal before him, and the Report stated, "on the clerk reading the words, 'on the true faith of a Christian,' Baron de Rothschild said, 'I omit those words as not binding on my conscience.'" And he (the Solicitor General) well remembered the calm and deliberate manner in which the Baron spoke on that occasion. Baron de Rothschild then concluded with the words, "So help me, God!" the clerk not having read these words to him. The hon. Member for North Warwickshire said that if we entertained this question we would certainly have a conflict with the other House of Legislature. Here he (the Solicitor General) would call in aid an observation made by the hon. Member for Buckinghamshire (Mr. Disraeli) in a former debate upon the Jew Bill, when he reminded him (the Solicitor General) that he had made a mistake in saying that this Bill had been before the House of Lords since the re-election of Baron de Rothschild; and the hon. Member added that the House of Lords had not had an opportunity of considering this question since the Baron de Rothschild's re-election. Now that was a strong feature in the case. Baron de Rothschild went back to his constituents and resigned into their hands the trust they had confided to him. On the second election Baron de Rothschild was opposed, and yet he was returned by a large majority a second time by the second constituency of the empire. As he (the Solicitor General) trusted that this Bill would be carried by a large majority in that House, he hoped that the other branch of Legislature would look upon it as the peculiar province of that House to consider who were the proper persons that should be returned as representatives of the people. He hoped that this consideration would have its due weight with the other House of Legislature in inducing them to come to a proper conclusion on the subject. The hon. Member rested his opposition to the Bill on Christian duty. Now he (the Solicitor General) conceived it to be his Christian duty to do as he would be done by. We had this day assembled from all quarters of the world—not only from Christendom, but also from places where Christianity did not prevail—a large body of intelligent persons to witness the progress of civilisation in this country, to witness what was the effect of thirty-six years of peace in advancing civilisation in England. It was true that this had taken place in reference to science and art, and not to legislation; but it was equally true that Europe looked at this country for many years, but more especially during the last three years, with envy for its constitution and its steady progress in civil and religious liberty, while at the same time it was free from all that turmoil and confusion that other countries had undergone. They knew why this had been—they knew it was owing to the concessions this House had always made to the popular demands—he should rather say to the sympathies it had ever shown for public opinion in this country. He believed that in no one respect had its sympathy been more exercised than upon this question of civil and religious liberty. And it was in reference to that he should feel himself degraded if those who were summoned from all countries in the world to witness the vast progress made in all the other arts of civilisation should find that we were retrograding from our political eminence—that we were falling back into the dark ancient periods of persecution, instead of advancing in the plain straightforward course which had justly secured to us the affections of all the subjects of this realm, by doing which we were securing the blessing of that Providence Who dispenses His gifts to all alike, and who therefore cannot think it just or right that privileges should be withheld by us from even one small portion of His creation, because that portion differs from us in point of religious belief.

Sir ROBERT H. INGLIS said, that the hon. and learned Solicitor General had referred to the great display which they had witnessed that day, and to which he also (Sir R. Inglis) could not make allusion without an expression of gratitude that it had pleased Almighty God that such a day should have passed over with such general enjoyment, and without one single occurrence to mar that enjoyment. But the hon. and learned Gentleman had proceeded to ask, what would the foreigners who were now in this country say when they found us retrograding in the career of civilisation, by not admitting a Jew to take the oath at the table of that House? Now, would the hon. and learned Gentleman venture to assert that, of the 500,000 Englishmen among the 700,000 persons there assembled, there was more than 5,000 to whom the existing constitution gave the eligibility to sit in this House? Did not the existence of a property qualification practically exclude them? Therefore, when the hon. and learned Gentleman talked of the common right of all the Queen's subjects, he (Sir R. Inglis) contended that that right had been limited by the constitution from a period beyond which history could hardly reach; and that, as far as the records of history went, it was clear that admission to seats in that House had been regulated by the possession of property and by the profession of religious opinions. The hon. and learned Member for Sheffield (Mr. Roebuck) had spoken of the hon. Member for North Warwickshire (Mr. Newdegate) in a tone which he would not say had surprised him, but which certainly had pained him. He did not think that, besides that hon. and learned Member, there was another individual in that House with skin so sensitive as to rise in his place and call to order for so harmless an allusion as that which had been made by the hon. Member for North Warwickshire. And he appealed to any hon. Gentleman who heard the speech of the hon. Member for North Warwickshire, and that of the hon. and learned Member for Sheffield, to say which of them most deserved the character of being the speech of a "creature spitting spite." [*Laughter.*] Yes, they were the words of the hon. and learned Gentleman. But he could not make this reference to the hon. Member for North Warwickshire without thanking him for the appeal which he had made to the Christian principles of the people of this country, and which would find an echo in more hearts than had ever responded to any speech which the hon. and learned Member for Sheffield, with all his talent, had ever addressed to them. What right had the Jews now resident in England to claim anything except protection and freedom in the exercise of their religion? And let the House consider what use the Jews were likely to make of any power which might be granted them. It was only on Monday last that this House received a petition from a certain number of Jewish tradesmen resident in the city of London —456 persons of the "Jewish persuasion," as they termed themselves. And what did they say? Why, that they conscientiously abstained from trading for 66 days in the year, of which 52 were Saturdays; and they prayed the House not to enforce further the obligations of the Sunday. Now, what did the law of England require at this moment? Even they who objected to that same Bill which was under discussion by the House yesterday (the Sunday Trading Prevention Bill) would willingly admit that, up to a certain point, the law of England did forbid trading on Sundays by any individuals whatever. But what said the petitioners? To use a common phrase, they "ignored" the existence of the laws they lived under. They said, that if the Bill for prohibiting Sunday trading were passed into a law, it would add 52 days to the 66 which they enumerated, and would prove most injurious to the Jewish community at large; so that the Christian obligation to obey the law of the land was to be violated with impunity, because these 456 Jewish tradesmen declared that the enforcement of what we regarded as the obligation of the Christian Sabbath would be injurious to their trade. Why, who asked the Jews to stay here? Did they not enjoy more privileges in England than a Protestant did in any Roman Catholic country whatever? And he did not desire to diminish these privileges; but he would deny to the Jew the right of legislating for our Church and our country. He had objected most strongly — as strongly as it was in his power — to the admission of the Jew to hold any civil office in a municipal corporation. He had objected to his holding the office of sheriff; but the distinction was plain and palpable between an office which was purely administrative, and an office which was legislative. What was the use which the Jews had made of their power in other countries? A few years ago, at Charleston, in the United States, Governor Hammond proclaimed a fast for the acknowledgment of some providential dispensation, and called upon the Christian people of the land to unite in humble and penitential homage to Almighty God for the mercy he had bestowed upon them. But what said the Jews? They met, and censured the Governor for a breach of the law of toleration, because he had called upon the Christians only to unite! But did he forbid the Jews? The Jews might, or might not, have joined in the service in their own synagogues; but, so far from doing that, in the intolerance which animated them, they brought a charge against the governor for having called upon the Christians only to unite in solemn worship to Almighty God. It was not very likely, he admitted—and he did not know if anybody would thank him for the admission—that in this country we should have such an open act on the part of the Jews in the event of the noble Lord at the head of the Government recommending Her Majesty to issue a proclamation for religious observances; but, at all events, this showed what the Jews would do where they had the power;

and the petition which the hon. Member for Youghal (Mr. C. Anstey) presented last Monday, showed what they desired to do in this country if they had the power—that they desired to interfere and prevent this House—an assembly nominally and professedly Christian—from giving further effect to their religious and conscientious convictions with respect to the observance of the Christian Sabbath. The consideration which he (Sir R. Inglis) had been able to give to this subject, had deepened his conviction not only of its importance in the abstract, but of its practical bearing upon the best institutions of the country. This Legislature was considered to be a Christian Legislature; and when he heard the cheers with which the observation of the hon. Member for North Warwickshire (Mr. Newdegate) was met on the opposite side—the observation, "What shall prevent you, if this Bill passes into a law, from carrying it still further, and admitting every one of the countless hosts who now submit to Her Majesty's dominion in the East, to claim an equal right with the Jew?"—and when he remembered that the response to that observation was an emphatic "Why not?" from three hon. Members—he rejoined, because from the earliest period of the constitution of England no human being—Mr. Gibbon himself not excepted—had ever entered the House of Commons without the declaration, and the assumption, at all events, on the part of all men, that he professed to be a Christian; and, at any rate, was not an open, avowed, and, it might be, conscientious enemy of the Lord Jesus and his gospel.

Mr. J. A. SMITH said, before he addressed himself to the general subject before the House, he would, in order that there might be no mistake, answer the complaint of the hon. Member for North Warwickshire (Mr. Newdegate), that on the hon. Member for the city of London coming to the table of the House to be sworn, he concealed a paper which he afterwards produced. Now, he really did not believe that the hon. Gentleman would condescend to state that which he did not believe to be true, and he (Mr. J. Smith) therefore wished to speak in the most temperate manner of the insinuation which the hon. Gentleman had thrown out. He had, however, no other means of repelling that insinuation than that which he now adopted, namely, giving it a most explicit and positive denial. He had this further corroboration of his assertion in the fact that the precedent followed by the hon. Member for the city of London coming to the table of the House, was as closely and as strictly as possible that which had been taken by Mr. Pease, the Member for Durham. Mr. Pease came to the table of the House and took the Oath in the form in which the House permitted him to take it, and signed a declaration prepared and written out, not by the officers of the House, but by himself, and having signed that paper he placed it on the table of the House and there left it. It was not for him to complain of the decision of the House in not dealing with Baron de Rothschild as they did with Mr. Pease, but he thought an equal measure of justice had not been dealt out to them. As the chairman of the committee of the electors of the city of London, he would now allude to an insinuation also thrown out by the hon. Member for North Warwickshire, that bribery existed at the election of 1848. He begged also to meet that assertion with a full and explicit denial; and he would further tell the hon. Gentleman, that in that election bribery would have been as useless as it would have been unlawful, when there was a majority approaching to 3,600.

Mr. NEWDEGATE said, he alluded to the election of 1847.

Mr. J. A. SMITH said, he begged the hon. Gentleman's pardon, but he referred to a story as to the withdrawal of witnesses, which he applied to the election of 1848. He would tell the hon. Gentleman that the election of 1848 was conducted with the utmost urgent desire that no imputation of bribery could be made. With regard to the election of 1847, he could repeat with equal confidence that pains were taken to avoid the imputation of bribery. With regard to the general question, he had for some years taken an active part in promoting the object of this Bill. He claimed for himself as earnest and as sincere a devotion to the faith which he professed, as had any of the opponents to it; but he had done his best, and would continue to do his best, to promote the admission of Jews into Parliament, because he believed it was inconsistent with the Christian faith to impose civil disabilities in consequence of a difference in religious belief; and with regard to the question of the hon. Member for the University of Oxford (Sir R. Inglis), who asked what right the Jews have in this country, he answered that they had the same right he had himself, and he claimed for them the same rights that he claimed for himself. He believed they had entitled themselves to the enjoyment of those rights by the faithful discharge of their civil duties; and when the hon. Member for North Warwickshire indulged in the remarks he did respecting their faith, he would appeal from the hon. Member's assertion with complete confidence to the conduct of the Jews in England—conduct, permit him to say, as correct as that of any other class of the community, and surpassed by none in usefulness, and charity, and devotion to all the moral duties of life. He thanked the hon. Member for the University of Oxford for referring to the petition of the Jews against the Bill for the prevention of Sunday Trading. They gave up their own Sabbath—they freely gave up one-seventh part of the time set apart in this country to business; and, when the hon. Gentleman complained of that petition, he forgot that when they had discharged their own duty on the Saturday, they might, without any imputation on their character, complain of any increased stringency of the law which prevented them from following their business on that day, which they thought it was not necessary to observe. He would say one word with regard to the reception this Bill would meet with in another place. He agreed with the hon. and learned Solicitor General that the shreds of argument opposed to this Bill were such as to give hopes that there would be no collision between the two Houses on this subject; and he trusted that the Members of this House would not be deterred by the timidity of those who counselled them not to pass the Bill lest there should be a collision. A great majority of the people of this country were desirous that they should remove the last remaining Acts against civil and religious liberty, which, he regretted to say, still disgraced their Statute-book.

Mr. GOULBURN having had so many previous opportunities of speaking upon the subject, would not have ventured to address the House, had he not thought it important that the House should actually know what the measure was on which they were called to vote, for this remarkable circumstance pervaded the whole of this debate—the hon. and learned Solicitor General, and those who argued on the same side, argued the question merely as if it were one of admitting Jews to seats in the two Houses of the Legislature. The whole argument was addressed to that point, and when those who dissented from it were charged with being anxious to impose disabilities on their Jewish fellow-subjects, and not to know what those disabilities were, it was right that the House should know what had hitherto been the course of legislation proposed by Government, and what was the actual measure and effect of the measure which this night they were called upon to consider. The first measure brought in by the present Government was in the year 1846. That measure was not the measure which was now upon the table of the House. It began by stating that the Oath of Abjuration was required, and was a qualification for office, and went on to say that, because Jews could not take that oath in its present form, a new oath should be framed, on all occasions to be applied to Jews, which should admit them to sit in Parliament and to hold every office on the taking of which the Oath of Abjuration was required. But the Bill of 1846 did not stop there. The noble Lord at the head of the Government had then sufficient regard for the constitutional liberties and religion of the country to impose restrictions on the Jews as to the offices which they might hold. They were restricted from being guardians or Regents, Lord Chancellors, Queen's High Commissioner of the General Assembly of the Church of Scotland; from any ecclesiastical, cathedral, or university office; and from the heads of any of the public schools of Royal foundation. In the exclusion from office, they were placed on the same footing as the Roman Catholics. That Bill was rejected by the House of Lords; and after two years' mature consideration, after having consulted Baron de Rothschild and his friends, after repeated consultations as to the mode in which the Bill should be brought forward, in 1849 the second Bill was introduced, differing in most material particulars from the first. Whilst still maintaining that the Oath of Abjuration was a qualification to office, it only altered the oath to be taken by a Member of Parliament, so that the disability to hold any office in which the Oath of Abjuration was required still remained. After two years' more consideration the present Bill was introduced, which denied that the Oath of Abjuration was a qualification for office. The preamble stated that the Jews by law were qualified to be elected to serve as Members of Parliament. What was the meaning of this ? Who in one sense is not qualified? If any constituency were wild enough they could elect a foreigner, an alien, a maniac, or anything else; the constituency acting in violation of the law might have the power to elect, but the oaths taken at the table of that House interfered with the right of the persons elected to take a seat in the Legislature. But the change in the views of the noble Lord (Lord John Russell) with respect to the Oath of Abjuration was no more wonderful than the change in his opinions with reference to the Roman Catholic Relief Bill. The noble Lord was now saying that the Roman Catholics might be excluded from constitutional privileges, to which Jews might be safely admitted. This was not, as the hon. and learned Solicitor General had argued, a question merely as to the admission of Jews into the House of Commons. It was also a question as to their admission into the House of Peers; their admission to the exercise of every legislative function, and every branch of administration, however high, from which they were excluded at present. Then, were we to be told that this was a question in which religion was not concerned? The religion of this country was most materially interested in the exercise of such functions being entrusted to the Jews. Why, take the highest person in the realm, except the Sovereign—a Regent might be a Jew, so might the Lord Chancellor or the Home Secretary—those authorities to whom was entrusted the distribution of a large portion of the ecclesiastical patronage of the country, and who, it might be expected, as the law now expected, that they should have some sympathy with the religion over which they were called upon to preside. They would surely not be providing for the safety of the English Church by placing such patronage in the hands of men who did not merely differ with us as to some peculiar tenets of the Christian faith, but who held it to be an abominable tissue of preposterous falsehood. The Lord High Commissioner of the Assembly of the Church of Scotland might be a Jew. A Jew might have the appointment of all the Ministers of the Church of Scotland in his hands. He might even hold the situation of President of the Council, and have control in that capacity over the whole education of the people, from which it was easy to see that the most destructive results would ensue. For these and other reasons into which he now forbore to enter, he considered that a Bill like this, brought forward after four years' consideration, with all the objections that at present existed to it, both as to principle and detail, was one which ought not to be permitted to come before that House.

Mr. C. ANSTEY said, that an analogy had been drawn between the case of the Jews and of the Roman Catholics; and it had been argued that this Bill should not be adopted because it would render the Jews eligible to offices which Roman Catholics could not fill. But the question was not one of a new constitution of Parliament, or whether Jews ought or ought not to be admitted; the principle to be established was that every one elected by a constituency ought to be eligible for a seat in that House. They had no right to tender the Oath of Abjuration to anybody coming to the table of that House, whether Jew or Christian; for the Committee who sat to inquire on the subject had shown that the oath expired with the decease of George III., and there was now literally no authority for enforcing it. The Journals of the House of last Session had authoritatively recorded the right of the Jew to take the oath in the form which he deemed most binding on his conscience; for the Amendment declaring the seat full had been carried by the House. This led the House into a difficulty; and the noble Lord (Lord John Russell) had very properly thought that the best way to obviate the difficulty was by passing a declaratory Act, such as the one now proposed. The opponents of the measure did not pretend to say that Baron de Rothschild had not been lawfully elected, but merely contended that he could not sit because he was a Jew. Anciently, when Parliament sat in separate estates, it was well known that the Jews had their representative assembly, in which they voted money like all the other estates of the realm. The writings of Bracton, and other ancient authors, showed that at their time the Jews had the right of holding land and all other rights pertaining to the subject. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) said, a constituency was capable of electing or voting for whom it pleased; but the right hon. Gentleman could not have reflected on what he said, for although they might vote for a minor or a lunatic, their votes would be thrown away. In the time of William III. the Act which now created all the difficulty, that containing the words "on the true faith of a Christian," was not in force. Why, then, should it now stand in the way of the Jews enjoying their just rights? He regretted that this Bill should be thought necessary at all. He believed the House had it in its own power to dispense with the objectionable formula by declaring that the oath might be taken in whatever form the party thought it most binding. It had been thought better, however, to proceed by Bill; and when the measure reached the other House, he hoped it would not be so treated as to precipitate a conflict between the two Houses. Till the question was settled, the important city of London was deprived of its full share of representation. Lord Stanley, when Colonial Secretary, had sanctioned the passing of a Bill by the Canadian legislature having much the same object as the measure now before the House, by dispensing with the very words to which Baron de Rothschild objected. Were this the cause of the Jew alone, he should not feel half the enthusiasm in its support which he did from the consideration that it sanctioned a principle which would admit Mahomedan Indians and all other classes of Her Majesty's subjects to a free participation in the privileges of our free constitution.

Colonel SIBTHORP said, there could be no doubt that the Government, sensible of the absence of many of the opponents of this bad Bill, now wished to force it through the House of Commons. He believed that the Government had during the day been occupied at what was called "the Crystal Palace," but he begged to assure the House that he was not there. His duty to his God. ["Oh!"] Yes, he repeated, neither his duty to his God, nor his duty to his country, would suffer him to visit that showy bauble. He considered it a paramount duty as a good Christian and a good subject to absent himself from the Crystal Palace. He deeply regretted to hear that the head of the Protestant Church of this realm should have been there invoking a blessing—invoking the assistance of Him who suffered for the sins of mankind. ["Oh!"] Yes, he expressed his opinion as he felt—he declared without reserve the faith that was in him. He considered such a proceeding would be injurious to the real welfare of this country. As to the question before the House, he would give his hearty assent to the course taken by his hon. Friends the Members for North Warwickshire and the University of Oxford. [*Cries of* "Divide!"] They might attempt to put him down by their clamour, for his sentiments were, no doubt, unpalatable to them, but he would continue to express them in spite of their interruptions. He asked the House again not to sanction this measure—a measure totally unworthy of the assent of any Christian assembly. The first principle of that House was, that, as regarded the performance of the duties of Members, all were to be upon an equality; but how could this principle be maintained if Baron de Rothschild were exempted from sitting on a Committee on Saturdays, and he (Colonel Sibthorp) was obliged to serve on them? What right had Baron de Rothschild to expect that Christians would do the work of Jews? The noble Lord at the head of the Government might succeed in forcing the Bill through that House; but, as he (Colonel Sibthorp) hoped and believed, it would receive in the other House an effectual check.

Lord JOHN RUSSELL said, that as the House was anxious to come to a division on this subject, it certainly was not his wish to detain them at any great length; and undoubtedly he should not prolong the debate by any reply to the observations of the hon. and gallant Member (Colonel Sibthorp) in reference to the Crystal Palace. He would not dispute with the hon. Member for the University of Oxford, whether or not Parliament should have the right in its discretion of putting obstacles in the way of the admission of Members to that House. He would admit that Parliament might impose such obstacles; but the question was in this case whether Parliament meant to impose this restriction, and whether it was a reasonable restriction to be imposed. With respect to the first point, whether Parliament intended to impose this restriction, it was most important to observe that, while there were certain matters which were matters of substance, with respect to which Members of the House were required to make oath, there was no oath required of a Member declaratory of his being a Christian, as was the case in the time of the Protector Cromwell, when a declaration was required from Members, not only of their being Christians, but of their being Protestants. On the contrary, they had now, as the hon. and learned Member for Sheffield (Mr. Roebuck) justly told the House, the oath requiring a profession of fidelity to the Queen, another referring to the supremacy, and a third excluding the supremacy of any foreign Power. These three were important oaths and declarations which Members of Parliament were required to make. Baron de Rothschild, having been elected to this House at two repeated elections, was ready to take the Oaths of Allegiance, Supremacy, and Abjuration, and, when called to the table of the House, he was admitted to take those oaths. But because he did not repeat certain words at the end of one of the oaths, which were not intended as the substance of the oath, but implied that the person taking it appealed to a higher Power on the faith of a Christian, the House declared that Baron de Rothschild could not take his seat in that House without using those words. Upon that there arose considerable debate, and the hon. and learned Solicitor General maintained with great power of argument that, as those words were not binding on Baron de Rothschild's conscience, he need not use those words as part of the oath. That argument was supported by one of the highest authorities to whom they had looked on these subjects; it was supported by the authority of the late Mr. Charles Wynn, who made subjects of this kind his peculiar study, and than whom no authority could be higher. He (Lord John Russell) confessed that it appeared to him that the weight of the argument inclined—but only inclined—to the side that Baron de Rothschild could not take his seat. But there was another reason beyond that, which, he thought, gave a slight preponderance to the argument in favour of that side of the question, which made him most unwilling to come to a resolution by which the words in question should be passed over. He was afraid it would appear as if that House were taking a legislative power upon itself, and that the House of Lords might consider that on a question in which their concurrence was necessary, another branch of the Legislature had decided without submitting the matter to their deliberation, and asking for their consent. He saw very great evils in taking a course which might entail such consequences; but he should say that that House, having acted with such deference towards the other House of Parliament on this subject, on a question affecting the election of Members to that House of Parliament, affecting the rights of every elector in the United Kingdom, was entitled to have from the House of Lords a fair consideration of their difficulty, and that, as they had shown they would not step a single inch beyond what the letter of the law would authorise, the House of Lords ought, on the other hand, to consider what was fairly due to the people of the United Kingdom, and to the privileges of the Commons' House of Parliament. And in that respect, he said this question was in a different position from that in which it had hitherto stood. He believed no man would deny, so far from there being any other objection to the Jew taking his seat in that House, that if he, like Lord Bolingbroke or Mr. Gibbon, felt no objection to use the words in question, no Election Petition or Election Committee would afterwards, in conformity with the law, be able to disturb his seat. That, therefore, was the position in which the House stood; and it was a position in which they ought not to be placed with regard to a gentleman elected by a large body of the people. The only argument he had heard that evening which had the appearance of novelty in it, was the argument used by the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram), who said that the position which he (Lord John Russell) had always held in that House, and which many other hon. Members had also held, that they ought not to deprive the subjects of Her Majesty of any civil or political privilege on account of their religious opinions, was begging the question, and that it was, in fact, not on account of their religious opinions that Jews were debarred from taking seats in Parliament, but that it was because the House would not enjoy the confidence of the people of this country if Jews were admitted into Parliament; and that every Legislature was bound to take care that it framed its oaths in such a way as to obtain the respect and confidence of the people; and the hon. and learned Gentleman also said, that if he were advising a Jewish legislature, he would certainly advise them to exclude Christians from it. That seemed to be changing the ground of the question, when it was, in fact, only moving it a little further; because when they came to consider the framing of their oaths so as to obtain the confidence of the people, they must remember that they were representing the country, and could judge for themselves whether the country would or would not lose their confidence in the House of Commons because Jews were elected to Parliament. The presumption was entirely against the hon. and learned Gentleman; for, in the first place, Baron de Rothschild had been elected frequently by a large number of the electors of the most populous city in the country; and, in the next place, many hon. Members had voted in favour of the Jews, and he did not remember one occasion upon which any such hon. Member had lost his seat because he had so voted. He held, therefore, that the hon. and learned Gentleman, who seemed thus to have changed the ground, had only to inquire whether the House would have the confidence of the country by admitting Jews; and that the real question was, whether they thought it was just and right that Jews should be deprived of seats in Parliament on account of their religious opinions. His opinion was, that so far from the country being against the admission of Jews to Parliament, the general feeling was in favour of the removal of political and civil disabilities on account of religious opinions. He believed that the country thought no longer that those opinions ought to be a subject of disqualification. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had found fault with the terms of this Bill; but he (Lord John Russell) would not enter into that argument, because, although he did not think there was ground for that argument, that would be a question for Committee; and if any of the exceptions which the right hon. Gentleman thought ought to be made in the Bill were to be made, that could be done in Committee. The question then was, whether, having removed the disabilities from Protestant Dissenters, having removed them from Roman Catholics, having in various instances removed disabilities from the Jews, admitting them to be magistrates, to be members of corporations, and to hold municipal and other offices, the House would now put the crowning work to that by removing disabilities from them on account of their religious opinions—whether or not it was worth while to keep up the badge and stigma of being deprived of the rights of British subjects, or whether religious liberty should have the support of that House.

Question put, that the word "now" stand part of the Question.

The House divided:—Ayes 202; Noes 177: Majority 25.

List of the AYES.

Abdy, Sir T. N.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, hon. F.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Currie, R.
Dalrymple, J.
Davie, Sir H. R. F.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Disraeli, B.
Divett, E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Ferguson, Col.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Freestun, Col.
French, F.
Gaskell, J. M.
Geach, C.
Glyn, G. C.
Granger, T. C.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hawes, B.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hogg, Sir J. W.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lennard, T. B.
Lewis, G. C.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Maher, N. V.
Mangles, R. D.
Marshall, W.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moncrieff, J.
Morison, Sir W.
Morris, D.
Mulgrave, Earl of
Muntz, G. F.
Murphy, F. S.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, F.
Pendarv~~es, E.~~ W. W
Pigott, F.
Pilkington, J.
Pinney, W.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.

Rich, H.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Seymour, Lord
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Smith, J. A.
Smythe, hon. G.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Trelawny, J. S.
Trevor, hon. T.
Tufnell, rt. hon. H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hill, Lord M.
Hayter, W. G.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Baird, J.
Baldock, E. H.
Baldwin, C.
Bankes, G.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bennett, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Chandos, Marq. of
Chatterton, Col.
Child, S.
Christopher, R. A.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Cotton, hon. W. H. S.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Galwey, Visct.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Goulburn, rt. hon. H.
Greene, T.
Guernsey, Lord
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Hayes, Sir E.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir C.
Lacy, H. C.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lewisham, Visct.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther. H.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Noel, hon. G. J.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Peel, Sir R.
Plowden, W. H. C.
Prime, R.
Rendlesham, Lord
Richards, R.
Rushout, Capt.
Sandars, J.
Seymer, H. K.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Newdegate, C. N.
Plumptre, J. P.

Main Question put, and *agreed to;* Bill read 2°, and *committed* for *Monday,* 12th May.

CIVIL BILLS, &c. (IRELAND) BILL.

Order for Second Reading read.

MR. SADLEIR said, that he appealed to his right hon. Friend the Chief Secretary for Ireland not to proceed with the Second Reading of this Bill in the absence of the right hon. and learned Attorney General for Ireland — as it was one of strictly legal character. If, however, his right hon. Friend persisted, he would proceed to state his objections to the measure. He had no objection to that portion of the measure which consolidated the statutes regulating the jurisdiction of assistant barristers. As regarded that part which was intended to alter the laws of landlord and tenant, he thought the time for that alteration was very unfortunately chosen. Throughout the 160 clauses of the Bill there was not a line to secure to the improving tenant any compensation for his outlay. He objected to this alteration in the law of landlord and tenant. With regard to the extension of the jurisdiction of the local courts, he hoped that the Government would also deal with the abuses that still existed in the procedure of the superior courts of equity and law in Dublin. He complained of the modes of procedure in those courts, and not in any manner of the learning or ability of the eminent Judges who presided over them. The extension of the jurisdiction of the local courts would give to Ireland the same advantages as England already possessed. He hoped that in Committee some clauses would be introduced improving the manner of executing the decrees of the assistant barristers' courts, which was at present very objectionable. The Irish people were exposed to great evils by the practices in the diocesan courts ; and he hoped the Government would transfer to the assistant barristers much of the jurisdiction of these courts. The only qualification at present for a diocesan judgeship was the being able to show that you were not a Papist. He was anxious that the judges of the local courts should be well worked, well paid, and liberally pensioned, and it would be a great advantage if they could hold monthly sittings. A new and unexpected feature in the Bill was, that it proposed to return, in the case of ejectments, to the old system of exacting heavy stamp duties. He believed the returns moved for would show that this was quite unnecessary, and he hoped the right hon. Gentleman would see it right to revise the scale. He also strongly advised the Government to keep up the scale of professional fees, so as to secure the aid of a class of respectable and able practitioners in the county courts, otherwise the attempt, like others made before in the same direction, might fail again for similar reasons.

Mr. FRENCH considered there was scarcely a necessity for any remarks on the proposed measure, as the speech of the hon. Member for Carlow, though purporting to be against it, was in reality in favour of almost every principle put forward in it. His hon. Friend had stated the necessity that existed for a reform of the law in relation to the Civil Bill Courts. He approved of the consolidation and codification of that law, as prepared in this Bill—its simplicity, efficiency, and economy. He approved of the payment of the assistant barristers by salary instead of fees; and the expediency of allowing barristers to practise in the Civil Bill Courts. He admitted that the Bill had no tendency to centralisation. In fact, the only objection he shadowed out to the Bill was with reference to the 50*l.* clause, which was merely an assimilation to the English law that had been passed in that House, notwithstanding the opposition given to it by the Gentlemen of the long robe on both sides. His hon. Friend went even farther, for he not only admitted the necessity of passing such a measure as that now before the House, but required something more. So far as to the merits of the question. Now, as to the fairness of throwing any impediment in the way of the Government, with reference to this Bill, he (Mr. French) asked the House to carry in mind that the necessity of a measure of this nature was so strongly felt, that so far back as the Session before last, a private Member of this House brought forward a Bill to carry into effect the same objects that are now embodied in the proposed measure. He withdrew that Bill on a pledge having been given by Government to introduce a complete measure on the subject. Last Session a deputation most numerous and influential, and composed of all shades of politics, waited on his right hon. Friend the Secretary for the Home Department, calling on him to introduce a measure similar to this. In accordance to the pledge given by his right hon. Friend the Secretary for Ireland, and in compliance with the wishes of the deputation, consisting of thirty-five Members of that House, the Government have introduced this Bill, prepared with the greatest care and ability, and which he (Mr. French) had no hesitation in saying was one of the most important and valuable Bills, both as to the administration of justice and improvement of the law, that had been introduced within his memory. Hitherto the sole objection to the progress of the Bill, while approving of its principles and details, was for the purpose of having it referred to a Select Committee. This point having been pressed on a former occasion on the right hon. Secretary for Ireland, was acceded to by him on a distinct understanding that the second reading was to take place without any discussion; and he (Mr. French) would leave to the House to judge with what fairness that pledge had been redeemed in the opposition now made. If there were any Amendments necessary to the details of the measure, there would be ample opportunity in the Committee for a full and fair consideration of them; and he (Mr. French) trusted his right hon. Friend the Secretary for Ireland would not consent to any further postponement of the second reading of the Bill.

Sir W. SOMERVILLE said, he would refrain at that hour from adverting to what had fallen from the hon. Gentleman (Mr. Sadleir) in reference to the Bill; but as it went to a Select Committee, both there and after it came back to the House, there would be ample opportunity to consider its provisions. The Bill was one that he had already pledged himself to introduce, and he had now the honour to propose the second reading. It consisted of 160 clauses, and repealed, in part or in whole, thirty Acts of Parliament. Out of doors, it was the most popular Bill which he ever had the honour of introducing to that House. It was an understanding before Easter, that if it were postponed till after the holidays, the second reading would be taken without discussion, in order to its being sent to a Select Committee, and he now hoped the House would adhere to that understanding.

Mr. S. CRAWFORD wished, before they proceeded, to protest against that way of dealing—bringing in Bills, no matter how important soever the subject, at any hour of the night.

Mr. SCULLY hoped, if it was referred to a Select Committee, that they would be allowed to examine witnesses, and so to consider the subject with the fullest information before them.

Bill read 2ª, and *committed* to a Select Committee.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Friday, May 2, 1851.

Minutes.] Public Bill. — 1ª Royal Navy School.

Several noble Lords presented Petitions, and after having gone through the business on the Paper,

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 2, 1851.

Minutes.] New Member Sworn.—For Enniskillen, James Whiteside, Esq.

Public Bills.—1ª Fees on Proceedings before Justices (Ireland); Appointments to Offices, &c.

AYLESBURY ELECTION.

Mr. ROUNDELL PALMER said, he had to present a petition from an individual, who complained of a petition in his name having been improperly presented to that House, which he did not sign, against the late return for the borough of Aylesbury. As the matter appeared to affect the privileges of that House, perhaps he (Mr. R. Palmer) would be allowed to deviate from the usual course, and bring under its attention the statements of this petition. The petitioner stated that he was an elector for the borough of Aylesbury, and was registered "Thomas Bradford, householder;" his real name being Thomas Hughes Bradford; and that there was no other person of that name in Aylesbury—that at the late election for the borough he voted for the unsuccessful candidate—that on the 25th of April last he received a letter from a Mr. Strutt, a solicitor in London, desiring him to come to London on the following day, and promising that Strutt would pay all the expenses—that the petitioner went to London on Saturday, the 29th of April, and met Strutt at the place appointed—that Strutt solicited him to sign a petition to that House, complaining of the return for Aylesbury, urging as a reason to induce him to do so, that a person of influence in the county (whom he, Mr. R. Palmer, would not name, because there was no imputation against him) was most interested in the matter, and was anxious that the petitioner should attach his signature—that on the petitioner refusing to sign the petition, he was desired to go to a place in London and see the gentleman who was named in the petition—that the petitioner went and did not succeed in seeing the gentleman the first time, but he called again, and then saw him, and he told the petitioner that he had nothing whatever to do with the matter. The petitioner said he returned the same day to Aylesbury, and at the railway station he saw Mr. Strutt, who endeavoured again to persuade him by a similar inducement and offers of reward to sign the petition, but this he again refused to do. On the same day a petition was presented to that House with the signature of Thomas Bradford, of Aylesbury, and purporting to be the name of a burgess of that borough, but which signature the petitioner declared was not his, and he stated it to be a forgery. He (Mr. R. Palmer) would now move that the petition of Thomas Bradford be printed with the Votes, and taken into consideration on Monday next.

Motion agreed to.

KENSINGTON GARDENS.

Lord JOHN RUSSELL moved that the House at its rising do adjourn till Monday next.

Mr. HUME said, he did not wish to take up the time of the House unless with matter which he deemed of importance to the public convenience; he wished to submit to the Government and to the House how far it was right to allow the interference which was about to take place with the accommodation now enjoyed by pedestrians in the neighbourhood of Kensington Gardens. He had been surprised to find, some days ago, that the noble Lord the First Commissioner of Woods and Forests had ordered access to be given to horsemen to that part of these gardens which was hitherto reserved for the recreation of females and children, free from the danger of being run over, and other accidents of that nature. Owing to the overcrowded state of the streets in that neighbourhood, as well as in the neighbourhood of Marylebone, great importance was attached by families to the privilege of secure and protected recreation within the walls of Kensington Gardens; and as it appeared to him there was no sufficient urgency for the interference, he appealed to the good sense of the noble Lord not to allow a privilege which had been so much valued, to be violated. It was scarcely possible for many hon. Gentlemen to enter into his feelings upon this subject, because for the last twenty-four years he had been every year attempting to obtain free access for the public to the parks and public walks and gardens; and any one who recollected what had been done in the way of improvement in this respect during the last ten or fifteen years would acknowledge that it reflected great credit upon the Government departments. But, then, he submitted that this interference was inconsistent with all that they had hitherto been doing for the comfort and convenience of the people. A memorial had been sent to him only a few hours since, agreed upon at a public meeting of the inhabitants of Kensington and the surrounding districts, and addressed to the Commissioners of Woods and Forests. The document, which had been signed by a vast number of the respectable householders of the neighbouring streets and squares, set forth the importance which they attached to the privilege of sending their families in security into Kensington Gardens, many alleging that they had hired houses which they would not have selected in the same localities but for this advantage, and the exclusion of horsemen from the grounds. He submitted, therefore, that without some very urgent reasons, the Government ought not to allow the entrance of horsemen within the precincts of those gardens. If there was any want of equestrian exercise grounds there might be some pretence for this interference; but there was none, because there was the Regent's Park and a large portion of Hyde Park also now for horse exercise. And, indeed, it would be better to let them have a circle in Hyde Park in preference to encroaching upon Kensington Gardens in this way. This matter was all the more important on account of the encroachment which had been made on the ground open to the public by the erection of the Glass Palace. There was nothing at which a foreigner looked with more admiration on coming to this country than the situation of Kensington Gardens, and the order and neatness with which they were kept, and nothing should be done to impair this.

Lord SEYMOUR said, the House would remember that last year, when the Exhibition was projected, some difficulty arose with respect to providing a place for a ride, and it was then agreed, as he thought with the consent of the House, that a ride should be made, if necessary, in Kensington Gardens. He at first planned a ride in another part of Hyde Park; but as the Commander-in-Chief informed him that any such ride would interfere very materially with the exercise and reviewing of the troops, he was obliged to give up that project, and to substitute a ride in Kensington Gardens. He thought the suggestion of the hon. Member for Montrose, that persons might ride upon the macadamized road in the Regent's Park, was not likely to be very satisfactory to equestrians. The hon. Member had said that the ride in Kensington Gardens would interfere with the comfort and endanger the safety of females and children. He could assure the hon. Gentleman, that whatever fear they might entertain of cavalry, the present retirement and seclusion of Kensington Gardens were not unattended with danger to females; and if the hon. Member for Montrose rode in those gardens himself, he would very much contribute to the security and safety of the females who resorted there. He did not apprehend that any material inconvenience could result from the ride across Kensington Gardens, which would only be required for the next three or four months.

House, at rising, to adjourn till Monday next.

DIOCESAN SYNOD OF EXETER.

Mr. CHILDERS begged to ask the First Lord of the Treasury what the Government were prepared to do with respect to the Diocesan Synod contemplated by the Bishop of Exeter. In order that the House might understand the measure to which his question referred, he would, with the permission of the House, read a letter which had been addressed by the Bishop of Exeter to the archdeacons of his diocese, and which appeared in some of the journals yesterday, expressing his intentions. That letter was as follows:—

"South Moulton, April 28, 1851.

"Dear Mr. Archdeacon—Having announced to my clergy my purpose of holding, with God's permission, a Synod of the diocese soon after the conclusion of my present visitation, I now request you to desire the deans rural to inform the presbyteries, whether beneficed or licensed, in their several deaneries, that I have fixed on Wednesday, the 25th of June next, for the meeting of the Synod, to be continued on the two following days.

"We shall assemble first in the chapter room, and proceed thence to the cathedral, at the usual hour of morning prayer, and, after having received together the holy eucharist, will return to the chapter-room, which the dean and chapter have permitted us to use for that purpose.

"The one great question which only I shall submit to the Synod on the first day will be the fitness of our making a declaration of our firm adherence to the great article of the creed—'I acknowledge one baptism for the remission of sins,' as well as to the doctrine of our Church on the grace of that sacrament, as set forth in the Catechism.

"On the two other days we will discuss such matters of practical interest as shall seem best calculated, with God's blessing, to promote the great ends of our ministry—avoiding all questions of controversial theology.

"It is manifest that so numerous a body cannot usefully be brought together except by representation. I therefore invite the clergy of every deanery to elect two of their own number, together with their deans rural, to meet me, the dean and the greater chapter, my chaplains, and the officials of the archdeacons.

"This election, however, it may be better to defer till within a short time before the proposed meeting. In the meanwhile, the questions to be proposed for consideration will be fixed. For this purpose I would desire the deans rural to call together, or otherwise to invite their clergy, to transmit to me any questions which they may recommend for the consideration of the Synod.

"It is desirable that such questions be proposed six weeks before the 25th of June, in order that I may select such as shall seem fittest, and submit them to the deliberation of the clergy of the several deaneries a month before that day.

"This will give sufficient time for their deliberation, and for electing their representatives.

"As it is important that these representatives should have the full confidence of those from whom they are sent, I would wish that no one be considered as elected who has not an actual majority of the votes of those who are present, and the holders of the proxies of those who are absent; this would be best secured by electing each separately.

"The clergy of every deanery may send their opinions on the different questions to be proposed through their representatives, who will, however, be free to give their own judgment on those questions in the Synod.

"We may humbly hope that this and future similar meetings may be a means of giving, both to the bishop and to the clergy at large, the benefit of mutual consultation on various matters which shall from time to time arise of important consequence to our ministerial usefulness, and therefore to the edification of our people."

He would say nothing as to the animus with which the questions to which the right rev. Prelate referred were likely to be discussed, but he would beg permission to read one or two extracts from the pastoral letter recently addressed by the Bishop of Exeter to the clergy of his diocese. In alluding to the Gorham case, and to the decision of the Judicial Committee of the Privy Council, the Bishop said—

"I grieved to read the statement of the Archbishop in answer to an address from a portion of you, my clergy, in which he declared that, in issuing the fiat for institution in Mr. Gorham's case, he had acted not judicially, but ministerially. To affect to act ministerially in such a case, to give mission and authority over souls, as the minister of man is to renounce the divine authority of the office in which the power of mission is lodged—to fling the commission of Christ under the footstool of an earthy throne! And this, too, when the Crown itself had too just and true a sense of its own duty, as well as of the duty of the Archbishop, to require, to accept, or even to be prepared for such a surrender! That surrender can be regarded only as the voluntary betraying of a high and most sacred trust. '*Traditor potestatis, quam Sancta Mater Ecclesia a sponso suo acceperat.*' It could not but be manifest to me, that if I was wrong—if the Archbishop had not, by instituting Mr. Gorham, become a fautor of the heretical tenets held by him—and if he had not, as such, forfeited his right to Catholic communion, any one of his comprovincial bishops, who thereupon renounced communion with him, would himself, by so doing, have deserved to be put out of the pale of the Church."

The Bishop of Exeter then went on to remark upon the charge delivered by the Archbishop of Canterbury to the clergy of the diocese of Chester in 1841, and he said—

> "After all this, it is possible for any minister of the English Church who would speak 'the words of truth and soberness' to hesitate what he must say of the statements which we have read from this unhappy charge? I declare solemnly, and with a deep sense of the responsibility which attaches to such a declaration, concerning a document proceeding from such a quarter, that I could not name any one work of any minister in our Church which, though of double the bulk, contains half so many heretical statements as are contained in this one charge."

The Archbishop, in his charge, expressed a hope that his clergy would never be wanting in resistance to any attempts which might be made "to weaken or subvert the Protestant faith;" and upon this the Bishop of Exeter said—

> "Now, it is not with anything like a wish to carp at words that I avow my ignorance of what is meant by the phrase 'the Protestant faith.' 'Protestant' and 'Faith' are terms which do not seem to me to accord together; the object of 'Faith' is divine truth, the object of 'Protestant' is human error. How, therefore, can one be an attribute of the other?"

He put it to Her Majesty's Government, what they thought was likely to be the consequence of the step which the Bishop of Exeter intended to take, and how they were prepared to act with regard to the proposed Synod.

LORD JOHN RUSSELL: Sir, the hon. Gentleman having given notice to me, and having given public notice in this House, of the question he intended to put, I thought it necessary to take the opinion of the law officers of the Crown, and to ascertain their views with regard to those Diocesan Synods to which the question of the hon. Gentleman refers. The hon. Member has truly stated that the Bishop of Exeter proposes to call together a certain assembly of the clergy of his diocese, elected after a certain manner, to confer upon subjects to which he adverts in his letter. It does not appear to me that that assembly, although it may be called by the bishop a Synod, bears in any respect the character of a Synod, either in the mode of its assembly, in its constituent parts, or as to the subjects upon which it is to deliberate. In ancient times there were Provincial Synods, with respect to which I need not make any remarks, and there were likewise Diocesan Synods, convened by the bishop, to consider of Church matters once or twice a year. Bishop Gibson, who is a great authority on such subjects, says that such Synods ought to be called together once a year. Now, these Synods continued till the 25th Henry VIII., when an Act was passed which had relation both to the Provincial and Diocesan Synods. With regard to the Provincial Synods, to which the Act chiefly relates, it is stated that they cannot be called together except by the King's writ, and that they cannot issue any decrees or enact any Canons without the consent of the Crown; and that, if they should so do, the persons so offending shall be liable to imprisonment at the pleasure of the Crown. It is obvious that the former part of what I have stated—that such Synods cannot meet without the King's writ—has no relation to Diocesan Synods, because they have never at any time been convened by the King's writ, but were always called together by the bishop. With regard to the other point I have mentioned—that the Synods cannot enact any Canons—that certainly may be held to affect Diocesan Synods; but whether it does so or not, it hardly touches upon this question, because the Bishop of Exeter has expressly declared that it is not his intention to propose that the assembly of the clergy he means to call together shall enact any Canons whatever. It appears that the Bishop of Exeter has expressly declared, not only that he does not mean to propose any Canons, but that he would be loth to do anything which could be construed into an act of disobedience or disrespect to the Crown. It is clear, therefore, I think, that whatever purpose the bishop may have in view, it is not the purpose of contravening the Act of the 25th of Henry VIII., commonly called the Act of Submission of the Clergy. Then the question arises whether, the proposed assembly of the clergy not being within the provisions of that Act, there will be anything unlawful in it, supposing it is confined to the objects the bishop has stated, and does not go beyond those objects. My hon. and learned Friends the Attorney and Solicitor General do not think, as far as they have been enabled to form an opinion, that the meeting of that assembly of the clergy will be unlawful. Though it is called a "Synod," it seems to be merely an assumption of the word by the Bishop of

Exeter—a very unfortunate assumption, as I think, giving rise to a suspicion that he is going to call together an assembly which is contrary to law, and to proceed to some acts which are forbidden by law. It is, therefore, I think, most unfortunate—to use no harsher term—that the Bishop of Exeter should have called together an assembly to which he gives the name of a Synod, but which is an assembly formed in a different way, and called together for different purposes, The clergy assembled in Synod were either assemblies of the whole of the clergy of a diocese, or of a part of the clergy of a diocese, in places to which they could conveniently resort, or they were sometimes meetings of the deans and chapters to advise the bishops; but the assembly of representative clergy formed in the particular manner proposed by the Bishop of Exeter seems to be entirely unknown to the law of the Church, and completely a device of his own. My hon. Friend (Mr. Childers) has also alluded further to the language which has been used by the Bishop of Exeter in his pastoral letter, and especially to his observations upon the Gorham case with respect to the conduct of the Archbishop of Canterbury. Now, with that case I had nothing whatever to do. I had nothing to do with the appointment of the person, or with the subsequent appeal. That appeal was brought finally before the Judicial Committee of the Privy Council, and was there decided according to the law of the land. That question would have been decided by the Court of Delegates some twenty or thirty years ago; but in consequence of some recent alterations in our judicial system, it was now decided by a Court composed of persons of the very highest rank in the law, with the advice—which was especially asked for on this occasion—of the Archbishops of Canterbury and York, and the Bishop of London. The Archbishops of Canterbury and York gave their opinions in consonance with the judgment of the Judicial Committee, and the Bishop of London dissented from their views; but the decision was one made according to the law of the land, to which I conceive every subject of this realm is bound to conform. The Bishop of Exeter has called that judgment in question, and he has apparently convened this assembly or Synod, in order, under cover of declaring an adherence to one of the articles of the Church, and to the doctrine of the Church, which is taken from Scripture, and which is conformable to Scripture, to impugn the decision which has been come to by the Court of Appeal. With respect to that question, of course it remains to be seen what is the language he may use, or what is the proposition he may make, before an opinion is given. With regard to the language the Bishop of Exeter has used relative to the Archbishop of Canterbury, it is well known that the Archbishop of Canterbury is a man of peculiar mildness of character, and of truly Christian forbearance; and I think it is because he is a man of peculiar mildness of character, and of well-known Christian forbearance, that that language has been used. I feel sure, however, that without any interposition of the Government, without any interposition of Parliament, the Archbishop of Canterbury, the chief of the archbishops and bishops of this land, the Primate of all England, will so conduct himself as to merit that veneration which has hitherto been accorded to him, that nothing that may be said or that has been said against him by the Bishop of Exeter can in the least diminish the respect entertained for that most excellent Prelate; and that while he will firmly assert his own opinions, and will firmly maintain those doctrines which he believes to be the true doctrines of his Church, and in conformity with the letter and the spirit of the Scriptures, he will never depart from the character he has acquired, so far as, by the use of unworthy language, or by the interchange of epithets of invective, to diminish in any way the purity and the holiness which belong to his exalted office.

Mr. HORSMAN was sure the House must feel universally that the character of the Archbishop of Canterbury was one that would require no defence, either in that House or elsewhere, from any attacks that might be made upon it from such a quarter. But he thought the course which the Bishop of Exeter meant to take, was calculated to produce consequences rather more important than had been indicated in the speech of the noble Lord (Lord John Russell). The Bishop of Exeter had stated that he would refuse to institute clergymen whose general opinions were not the same as his own; and also any clergyman who might hold opinions on the question of baptismal regeneration which the Committee of the Privy Council had declared to form no bar to his institution. This was an interference with the patronage of the Crown, and with the rights of private patrons; and, far from being content with a mere declaration of opinion, the Bishop of Exeter called on his clergy to join him in adhering to a principle which would shut the diocese of Exeter against any clergyman who did not hold his opinions. He (Mr. Horsman) must of course bow to the opinion of the law officers of the Crown in regard to the construction of the 25th Henry VIII.; but he did not know whether the attention of the noble Lord had been drawn to the 73rd canon. This stated that the clergy should not meet anywhere to consult upon any matter or any course to be taken for their guidance and direction, or be in anywise parties to acts impeaching or degrading any part of the doctrine or discipline of the Church of England as now established by law. That was a totally distinct question from that of meeting by Synod. He held that it was incompetent for the clergy to meet anywhere to consider matters of doctrine or discipline without being called together by the Crown; and he hoped the hon. and learned Attorney General would state whether this was legal or not.

The ATTORNEY GENERAL thought the 73rd canon inapplicable to the case of Diocesan Synods. According to the law of the Church by which Diocesan Synods were formerly held, although they appeared to have fallen into desuetude, and to have been superseded by the Convocation, still they could not now be called illegal. With respect to the prohibitory statute, the 25th Henry VIII. related only to the meeting of Convocation, and the passing of Canons and Ordinances which should bind the Church. The Bishop of Exeter had declared that he did not intend to bring under the consideration of the meeting of his clergy any such questions as would require the Queen's licence. All they could say, assuming his statement to be true, was, that there did not appear to be any law by which the meeting could be prevented, or by which, if called together, those attending it could hereafter be punished. As long as the Bishop of Exeter limited the proceedings of his proposed assembly to that which he declared to be its object, it appeared to himself, as well as to his hon. and learned Friend the Solicitor General, that there was no law under which this meeting could be prevented.

Subject dropped.

FOREIGN PASSPORTS.

MR. J. B. SMITH rose to ask a question of which he had given notice in words as definite as he could devise, of the noble Lord at the head of the Foreign Department, as to whether he intended to make any alteration of the system of passports as respected passengers from the Continent to this country. It appeared that there was a fine of 40*s.* on foreigners who did not produce their passports on being asked for them when they arrived in this country. When several foreigners were landing at Dover the other day, they were not only examined, but their passports were demanded, and they were subjected to no small amount of inconvenience in consequence. While lately making a tour through different parts of the Continent, it was true that on entering France he had to submit to the ordeal of his passport; but when afterwards passing out of France into Belgium, and on afterwards returning to France, no passport was demanded. It appeared, then, that a foreigner, in coming to this country, was absolutely subjected to greater inconvenience than an Englishman had to endure in going abroad. What he wished to know, therefore, was whether the noble Lord at the head of the Foreign Department had caused any measures to be taken for obviating this inconvenience?

VISCOUNT PALMERSTON: Sir, it is perfectly true, as I stated on a former occasion, that no passport is required of any foreigner landing in this country for any of the purposes for which passports are required in foreign countries, as permission to travel into the interior, or the like; nor is any passport absolutely required for landing. An Act, passed when the Alien Act expired, required that every foreigner landing in this country should give his name, and that that name should be recorded; and the only purpose for which his passport is required—and it is only in that case he is required to produce it—is as a regular method for ascertaining his name. By the Custom-house regulations, framed under the Act of 1836, a foreigner landing is to produce his passport if he has one; or, at all events, if he has none, is to give his name—the object of producing the passport being merely to ascertain his name, and the penalty of 40*s.* is incurred only on the refusal of the foreigner to give his name either verbally or by the production of his passport.

MR. COBDEN said, that it ought to be clearly known that no passports whatever were required for foreigners entering this country. He thought we were sometimes fond of vaunting of our superiority, and lending our example to practices of which we complained in other countries. There was no security in this system adopted with respect to foreigners. It was evident that the system was totally useless as a security, and therefore ought to be abandoned. If a passenger landed at Newhaven or at Shoreham, no passport was demanded, because there was nobody there to take it; but if he landed at Dovor or Folkstone, unless he produced a passport, he was subject to a fine of 40*s*. It would only be commensurate with good sense if the system were to be altogether abandoned. He hoped that foreigners would now distinctly understand that no passport was necessary in this country, and that there was no power to remove them, even though they had no passport.

Subject dropped.

EMIGRATION—THE LATE MR. RUSHTON.

Mr. TORRENS M'CULLAGH said, he rose for the purpose of calling the attention of the House to the subject of a Return recently presented to the House respecting the treatment of passengers on board the emigrant ship *Washington;* and also to ask the right hon. Secretary of State for the Home Department whether there would be any objection to lay upon the table a copy of the letter lately addressed by him to the Mayor of Liverpool, with reference to the death of the late Edward Rushton, Esq., stipendiary magistrate of that town? He thought that the House would agree with him in an expression of opinion against the treatment which had been experienced on board the ship *Washington*, which had sailed from Liverpool with emigrants—a class of persons to whom above all others he thought that House was particularly bound to extend its protection. He thought that any person who read the return which he held in his hand, the effect of which he would not weaken by translating it in his own feeble language, would agree with him that things were now commonly and ordinarily practised towards a class of persons whose interests they were particularly bound to look after, which were a disgrace to the country. It was most lamentable to think that the most helpless class of the community, those who, from the pressure of circumstances at home, were driven to seek new abodes in a distant land, were the victims of a system of plunder and exaction to which no other class of the community would submit for a moment. He was sure that the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert) who had so honourably distinguished himself in promoting the emigration of one suffering portion of the community, would agree with him in the opinion that no time ought to be lost in applying a remedy to so disgraceful a system of exaction; and he hoped Her Majesty's Government would provide some check to put an end to so deplorable a state of things. A great number of emigrants, especially Irish emigrants, sought a home across the Atlantic; and he wished to know from the right hon. Gentleman (Sir George Grey) whether he could not devise some system of surveillance, coupled, it might be, with the duties of the local magistracy of Liverpool, for their protection. The opportunity which the Government now had of appointing a resident stipendiary magistrate for Liverpool might be taken advantage of for suggesting and devising some efficient mode of accomplishing that end. He wished to take that opportunity of tendering the expression of his regret at the loss of the late Mr. Rushton, than whom a more impartial magistrate could not be found. He was a devoted friend to justice and humanity, and a more useful public officer or a better friend had not appeared in their time. There was universal regret at his loss, and he hoped the Government would be able to find a man who could worthily follow in the steps of the late Mr. Rushton. He was acquainted with that gentleman, and he knew that one of his greatest regrets, as a magistrate, was, that he was unable to afford that protection to the property and persons of the emigrants who left Liverpool, which he saw to be so indispensable for them, and so necessary for the honour and credit of the country. He wished to ask whether the right hon. Gentleman had any objection to lay the letter he (Mr. M'Cullagh) had alluded to on the table of the House, for though it was brief it expressed regret for the loss of Mr. Rushton, and he thought it would be a credit to the House to preserve a record of the services of that Gentleman.

Sir GEORGE GREY said, he could have no objection whatever to lay on the table the letter which the hon. Gentleman wished to be produced. He knew and participated in the sincere regret felt at the loss of so excellent a man as Mr. Rushton, holding a responsible office, with arduous duties, and discharging them with great ability and discretion, to the entire satisfaction of the community. With regard to the appointment of a successor, it was for the Liverpool magistrates to give their opinion on the duties of the office, as well as the amount of salary which would be fixed. Hitherto he had received no communication on the subject from the town council of Liverpool, and therefore had taken no steps for filling up the office. With respect to the treatment to which Mr. Foster and other emigrants had been subjected, which he had read with great regret and some feelings of shame, it must be remembered that these offences were committed on the high seas, out of the jurisdiction of the British law. No doubt the emigration agent at Liverpool had a jurisdiction over both British and foreign ships; but he was not in this case alleged to have neglected to perform his duty, which was to see that the ship was properly furnished with all the necessaries requisite for the safety and comfort of the passengers. Cognisance of the acts which were stated to have taken place, could only be taken in the first instance by the American law; no doubt on the return of the ship to this country, if the facts were stated before a magistrate, the parties might be subjected to our laws. But all the emigrants had landed in America; there were none in this country to give the evidence requisite to render the officers of the ship liable to the law which they had broken; and it would be contrary to the first principles of justice to allow the Government to punish parties without having proper evidence on which to proceed against them. Had Mr. Foster returned to this country, they might have been made amenable to the law; but in the absence of evidence it would be impossible to render them amenable to any penalties which the law might provide. If the hon. Member (Mr. M'Cullagh) could suggest any alteration in the law which would give greater protection to emigrants, there was every disposition on the part of the Government to give it their best consideration.

PROPERTY TAX BILL.

Order for Committee read.

Colonel SIBTHORP moved that it should be an Instruction to the Committee on this Bill that they should have power to amend it.

Motion agreed to:—*Instruction* to the Committee that they have power to amend the Act 5 and 6 Vic., c. 35.

Mr. G. A. HAMILTON begged to call the attention of Mr. Speaker to the notice of a Motion given by the hon. Member for Lambeth (Mr. W. Williams) for rendering certain classes of income in Ireland subject to the property tax; and he wished to know whether the hon. Member could bring forward a Motion extending a tax to a class of persons not hitherto subject to it, except in a Committee of Ways and Means?

Mr. W. WILLIAMS rose to move—

> "That the provisions of the said Property Tax Bill, as far as regards the imposition of that tax on the interest of the public debt, salaries, and emoluments of public officers, pensions, and sinecures, be extended to Ireland."

Mr. SPEAKER said, it was not competent for the hon. Member to move his Amendment on that occasion; it should have been brought forward in the Committee of Ways and Means.

Mr. W. WILLIAMS said, that although he could not move the Resolution of which he had given notice as an Amendment upon the question that Mr. Speaker should leave the chair, he would nevertheless call the attention of Her Majesty's Government and the House to this important subject, as he thought that nothing tended to separate England and Ireland so much as the adoption of a different system of laws in each. When the income tax was under discussion by the House on former occasions, the question of extending it to Ireland had been considered; but he had never heard a good reason why the income tax should not be extended to that country as well as to England. It was said, indeed, that Ireland was too poor; but a man with 150*l*. in Ireland was as rich as one possessed of the same income in England, and should therefore be taxed to the same amount. He did not propose to extend the income tax to the profits of trade in Ireland, but simply to tax the interest of the public debt, and all salaries, pensions, and sinecures now paid in that country, and at present exempted from taxation. The interest of the public debt paid in Ireland, amounting to 1,417,000*l*., was entirely exempt from this tax; and even, what was still more anomalous, the debt of 2,630,000*l*. owing by the Government to the Bank of Ireland, which bore interest at the rate of 3½ per cent, was also exempt, though the debt of 11,000,000*l.* due to the Bank of England, contracted under precisely similar circumstances, but only bearing 3 per cent interest, was liable to income tax. Then came the salaries of the public officers, of whom the Lord Lieutenant received 20,000*l.* a year, his household many thousands a year, and the Chief Secretary for Ireland 5,500*l.* per annum, and yet were all exempted from the payment of income tax. There were also exempted—pensioners receiving 48,700*l.* per annum; salaries and pensions out of the Consolidated Fund, 70,300*l.*; officers of the courts of law, 156,000*l.*, amongst whom the Lord Chancellor received 8,000*l.* a year, and the other Judges nearly the same salaries as their brethren in England, while the Chief Secretary and his officers divided amongst them 22,000*l.*, the Paymaster of the Civil Service and his officials 50,000*l.*, and the officers of the Board of Works 30,000*l.*; the whole amounting to more than 300,000*l.* per annum. Adding to these the salaries of the higher class of officers in the Customs, Excise, Stamps, Post Office, and other public offices in Ireland, he had no doubt that, with the interest of the public debt paid there, there was a total amount of 2,000,000*l.* annually exempted from this tax. The Chancellor of the Exchequer might get 7*d.* in the pound from this income without doing injustice to any one. On a former occasion the hon. Member for Dublin (Mr. Reynolds) said that during the period the income tax had been in existence, a small increase in the stamp duties had taxed Ireland to the amount of an additional million. That amount was very much overstated; but it should not be forgotten that during this period the people of Great Britain had paid nearly 50,000,000*l.* to the income tax. It appeared that the people of Ireland were entirely exempt from taxes to the amount of 13,500,000*l.* which were paid by Great Britain; and that while Great Britain paid 49,240,000*l.*, Ireland only paid 3,700,000*l.* Therefore he thought that it could not be said that any injustice was done to Ireland in the imposition of the taxes, while he believed that she had her full share of the benefits that flowed from their expenditure. As an act of justice to England, he thought that the income tax should be imposed upon the public debt paid in Ireland, and upon the salaries of the public officers in that country.

Mr. F. FRENCH trusted the House would not discuss the Motion, which the hon. Gentlemen was not in order in bringing forward. There was no necessity for his bringing it forward, because the hon. Member for Marylebone (Sir Benjamin Hall) had already given notice of his intention to make a Motion upon the subject, so that he (Mr. French) could not imagine what object the hon. Gentleman could have, except that of marring the Motion of the hon. Member for Marylebone. He could only say, when the question came properly before the House, the Irish Members would be fully prepared to discuss it.

House in Committee.

Clause 1, (Rates and Duties granted by the said first recited Act to be further continued for).

Motion made, and Question proposed, "That the blank be filled up with 'three years.'"

Mr. FRESHFIELD moved the insertion, after the word "granted," of the words "so far as the same are expressed in the schedules to this Act annexed, and subject to the provisions therein contained." He moved the insertion of these words in the first clause, so that it might be consistent with certain alterations which he desired to make; but either those alterations or any others which should appear to be proper might be embodied in the schedules, even though the words he should move to insert in the clause were carried. He should, however, state what were the alterations he proposed to introduce. With respect to Schedule A of the Property Tax Act, he said nothing, though calling for some modification; for instance, there could be no good reason why that tax should be assessed upon the gross rent, while, under the Parochial Assessment Act, it was charged upon the net rent, that is, after deducting the annual average cost of the repairs, insurance, and other charges necessary to maintain such rent. Neither did he touch Schedule B, for it properly belonged to the hon. and gallant Member for Lincoln (Colonel Sibthorp) to deal with that subject. With respect to Schedule C, he proposed that the rates and duties should be the same as in the Property Tax Act—

> "Except that the duty shall be assessed in cases of annuities contingent upon life upon the annual amount of such annuity after deducting one-third of such amount as the premium of insurance, payable to provide for the contingency; and as to annuities for terms of years, the assessment to be made upon the dividend which would

be payable upon the amount of 3 per cent Consolidated Bank Annuities, which might be purchased with the produce of such annuity for terms of years, if sold, such value to be ascertained on the 5th of April in each year, according to the Government tables."

At present the whole of an annuity contingent upon life was taxed, though its holder could not with prudence spend the whole of it as income. In order to provide for his family, and to preserve the money expended in the purchase of the annuity, he must either save part of his apparent income, or effect a life assurance. Now, he found that at whatever period of life a man might be supposed to acquire such an annuity, it would cost him about half the annual amount in order to effect a life assurance equivalent to provide against the contingency. That circumstance discriminated this class of incomes from those derived from realised property, which were properly taxed at the rate of 7*d.* in the pound. Nothing, again, could be harder than to tax upon the full amount of his annual receipt a man who had only an annuity for a term of years. If a man had held an annuity of 100*l.* of this description in 1842, he could then have sold it for 1,330*l.*, which would have purchased 1,440*l.* Three per Cent Consols, giving him a yearly income of 43*l.*; and yet he was taxed upon the 100*l.*, though he had it only for a certain period, and although it was clear that it would only produce him a permanent income of 43*l.* But the value of these annuities diminished with the lapse of time, and a long annuity of 100*l.* was now only worth 725*l.*, which would purchase 750*l.* Consols, the dividends upon which would be 24*l.* per annum, and yet he was still taxed on the 100*l.*; and although his capital would be diminished, and his annuity would be saleable for a decreasing sum every year as we approached nearer to 1860, when these annuities would cease altogether, the present income tax would be charged upon the same sum as in 1842. With respect to Schedule D, which imposed a tax upon profits of trade and upon the incomes of professional men, he was quite aware how difficult it was to deal with that subject. Independently of all objections to the inquisitorial mode of levying the tax, he thought it unjust to tax incomes arising from these sources to an equal extent with those derived from realised property. Profits in trade were obtained with difficulty and risk, and, when obtained, they were generally expended usefully and beneficially to the community. He considered the case of the incomes of professional men to be still harder. Many of these classes of persons—such as merchants, brokers, and lawyers—were obliged to keep ten or twenty clerks, whose incomes, if they exceeded 150*l.*, were taxed. That income was spent for the benefit of the country; so that, even as profits of trade, he could not avoid pressing upon the right hon. Gentleman the Chancellor of the Exchequer, that suppose a man to make a moderate profit, it was not wise to tax it. We were rather interested that he should spend it, especially in well educating his children. And if a man acquired a large income, nothing would be lost by exempting it from the duty, because, if he spent the whole of it, the country would have the advantage; and if he invested a part, it would be taxed in the state of investment. With regard to Schedule E, he should be fairly taunted if he sought to relieve annuities for a term of years and for life, and did not extend the same justice to official salaries and Crown annuities, which were charged by this schedule. It related to pensioners, public annuitants, and so on; and it was quite plain that pensioners and annuitants of the Crown should have the same claim to justice as other annuitants. He hoped the right hon. the Chancellor of the Exchequer would have the kindness to look at the Amendment he proposed, as one really involving the substantial question before them; for, though the proposition he made might not be so formal as was necessary, there would be no difficulty in afterwards putting it into a more regular and formal shape. He looked for the support of every Member who wished to amend the Bill, and, among others, the hon. Member for Montrose (Mr. Hume) who sought only to diminish the duration of the tax, because, if his (Mr. Freshfield's) propositions were just, it was as proper that they should be in the Bill for one as for three years. He ought to have mentioned, that in the cases of profits in trade and professiona lincomes, he did not ask the whole of the tax to be given up, but, considering all circumstances, he thought it just that one-half of the tax should be surrendered in those cases, and that they should be taxed at $3\frac{1}{2}$*d.* instead of 7*d.* It was a case of difficulty in which to cut a knot not easily untied; and in taking off half the tax, there was this principle to furnish the rule, that the difference provided for the cost of the life insurance, to be encouraged as a prudent guard against the sudden loss of the income taxed.

The CHANCELLOR OF THE EXCHEQUER considered the proposal of the hon. Gentleman as an exceedingly inconvenient mode of meeting the question before the Committee. It was more desirable that they should settle the principle upon which they actually differed, by having the real questions at issue brought forward, than that they should be called on to discuss the mere words proposed by the hon. Gentleman. That which the hon. Gentleman ultimately aimed at, would amount to a totally new Bill. His proposition was, that Schedule A should be left as it now was—that Schedule B should be left as it was—for, in point of fact, his proposal was equivalent to *7d.* in the pound—but that in Schedule C an exemption should be made in the case of life annuitants, though he did not propose to extend the exemption to annuities charged on the land or on life estates. With regard to Schedule D, he proposed to relieve those included in it to the extent of half the duty they now paid; and with regard to Schedule E, he understood the hon. Gentleman proposed to deal with it as he proposed to do with Schedule C. Now, it was really very inconvenient to discuss such extensive changes, amounting, in fact, to a new Bill, on an Amendment of not more than half a dozen words. The better course would be to discuss the propositions of the hon. Gentleman when they were brought before them in a substantive form.

MR. SPOONER said, all his hon. Friend (Mr. Freshfield) had asked was, that they should insert such words in this clause as would enable them, if necessary, to alter the schedules without bringing up a new clause for everything that was to be altered.

MR. HENLEY thought, that if they gave their assent to the clause for levying those duties, they would not have power afterwards to alter those duties, unless they now inserted some such words as his hon. Friend (Mr. Freshfield) proposed to introduce. The right hon. Gentleman the Chancellor of the Exchequer knew that quite well; and if they made any objection hereafter, he would say, "You have voted the tax, and cannot now alter it." He thought there ought to be some words introduced to enable them hereafter to raise the question as to the alteration of the duties.

The CHANCELLOR OF THE EXCHEQUER begged to observe that he had agreed to an instruction to the Committee to enable the hon. and gallant Member for Lincoln (Colonel Sibthorp) to move his Amendment, and he had even suggested that the proper mode of carrying his Amendment into effect, was by a proviso contained in the first clause; therefore he was surprised at the imputation which had been cast upon him by the hon. Gentleman the Member for Oxfordshire (Mr. Henley); for if he were capable of doing that which the hon. Gentleman supposed he would do—namely, of turning round upon them hereafter—he would be unworthy of the position he occupied, and he did not think it was quite fair for the hon. Gentleman to suggest that he should take such a course.

MR. HENLEY thought the right hon. Gentleman had needlessly taken offence at what he said; and he could assure him that it was not his intention to impute anything unfair to him. The very fact of its being necessary to have an instruction given as to the Amendment of the hon. and gallant Member for Lincoln with respect to Schedule B only strengthened the view he (Mr. Henley) had expressed.

The CHAIRMAN: The instruction was given generally to amend the Bill if necessary.

MR. SPOONER: If the clause is adopted without agreeing to the Amendment of my hon. Friend (Mr. Freshfield), can any proposition to vary the rates be entertained?

MR. TRELAWNY could well conceive the sense of their proceeding in this way, if they were going to revise the whole system from beginning to end; but he could not conceive why they should address themselves to one particular part of the system, and not to the whole.

MR. SPOONER begged again to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the question he had put. If the clause were passed with the proviso added to it of the hon. and gallant Member for Lincoln, but without the insertion of the words proposed by his hon. Friend (Mr. Freshfield), would they not be precluded from making any alterations except those contained in that proviso?

The CHANCELLOR OF THE EXCHEQUER could assure the hon. Gentleman that he had no intention to turn round upon them, or recede from anything he had promised.

Mr. FRESHFIELD said, they had now the power to amend the Bill, and if they passed this clause, could they go back again upon it for the purpose of making an alteration in the measure?

The CHAIRMAN said, that if there followed any other clause that was repugnant to its meaning or spirit, it was quite clear they could not go back again on that clause, but they would have the power of striking out such clause.

Mr. AGLIONBY suggested that the hon. Gentleman (Mr. Freshfield) should not press his Amendment. He (Mr. Aglionby) did not think the present mode of assessing the income tax was equitable or just; but still he felt the difficulty of remedying that injustice. The arguments of the late Sir Robert Peel on this point were unanswered and unanswerable, and he (Mr. Aglionby) had been carried away by them, though he agreed with him on scarcely any other political question. Having yielded to the arguments of one with whom he held no political opinion in common, he would not change his opinion now for the purpose of turning out a Government, on the continuance of whose administration, he believed, depended the peace and security of the country—at present, at all events.

Amendment negatived.

Mr. HUME rose to move, as an Amendment, that the continuance of the tax should be limited to one year. He intended also to propose that the Bill should be untouched for that period, for the purpose of preserving, as far as possible, the state of their finances. When the late Sir Robert Peel brought forward his proposal for an income tax in 1842, he (Mr. Hume), with others, complained of the injustice of the measure, on the very points now complained of by the hon. Gentleman (Mr. Freshfield). They objected to the apparatus by which the tax was to be collected—to the employment of irresponsible persons, over whom the authorities had no power—and to making it an inquisitorial and political measure. He wished to make alterations in the measure at the time to which he referred, not with a view to get rid of the tax, but with a view, while they made the tax permanent, to make it equitable and just. When they made their objections to the measure in 1842, they were told by Sir Robert Peel that he asked the tax only for a temporary period, to enable him to make a great experiment; and he (Mr. Hume) was quite satisfied that the measure never would have been agreed to by Gentlemen who voted at his side of the House, were they not under the impression that it would not be continued longer than was absolutely necessary to enable him to carry out that experiment. He, however, on the occasion to which he alluded, pressed his objection to a division, and twenty-seven voted in favour of it. In the year 1845 the measure was reimposed, and then came 1848, when he (Mr. Hume) renewed his Motion. It was the wish of the public that the taxation of the country should be reconsidered, particularly this tax, and he submitted the same Motion as he was then about to submit to the Committee. What took place? The right hon. Gentleman the Chancellor of the Exchequer held out to those who voted with him the expectation—and they voted under the conviction—that, before the time again came for the renewal of the tax, the Government would have an inquiry into its injustice and inequality.

The CHANCELLOR of the EXCHEQUER: I did not understand it so.

Mr. HUME might have misunderstood the right hon. Gentleman; but now he asked the Committee to limit the duration of the tax to one year, for the purpose of having an inquiry respecting it. There was not one in the Committee or in the community, high or low, who did not consider that an attempt ought to be made to equalise the tax, and remove the injustice; and if the Committee agreed to his Amendment, he would then ask them to appoint a Select Committee to consider its bearing upon all the various interests that were subjected to its operations. He was not one who wished to have the income tax removed. He was an advocate of direct and not of indirect taxation. He was against the system of indirect taxation, chiefly because it increased the price of commodities, by doubling, and in some instances trebling, the amount of profits which would otherwise be realised upon their sale. He supported direct taxation on another ground; he was anxious to see the entire removal of the Excise system. He was anxious to see the repeal of the duty on soap, paper, hops, and on every exciseable article, except spirits. He was desirous of repealing the malt duty. [*Cheers.*] He was sincere in his avowal, for he considered that much of the drunkenness that existed in the country was attributable to that tax, which had altogether changed the habits of the people; and with a view to restore the people to the sobriety and the love of good order for which they were wont to be distinguished, it was desirable to introduce a cheap and wholesome beverage like malt, so as to dispense with the use of ardent spirits. With regard to his own countrymen in Scotland, from being a sober and prudential race of people, they had become drunkards. He said it with great pain, but they had acquired habits of intemperance which rendered vast numbers of them no longer the estimable members of society and the patterns which they were wont to be to the United Kingdom for sobriety and good order. It should be to a property tax that he would first point as a system of direct taxation, including all kinds of property without exception. He would go down to the lowest fraction of a pound of property; and he would do that on the ground that to make any exception would render a large class of the community indifferent to taxation, and give to the Minister of the day, whether Whig, Tory, or Radical, an advantage which he ought not to have. He thought every shilling taken from the pockets of the people should be known to the people, if that was possible. He did not wish to get rid of taxes, but he wished to make them fair and equitable in their operation. Taxation had grown to an enormous extent, owing, in his humble opinion, to the extravagant expenditure of the country. The revenue had increased far beyond the means of those who paid the greater part of it. The middle and working classes paid a great deal more of it in proportion than was paid by the capital of the country. The revenue of this country in 1793 was 16,000,000*l.*, of which 15,000,000*l.* were expended in paying the interest of the debt, and maintaining the national establishments. The interest of the debt at that time was no more than 9,500,000*l.* The surplus of 1,000,000*l.* was applied by Mr. Pitt to the sinking fund. The cost of the war added 600,000,000*l.* to the national debt; the amount of the debt now being between 700,000,000*l.* and 800,000,000*l.* He wanted to show, that as we had increased our debt since that time, so our capital had increased in a very large ratio, probably from 60,000,000*l.* to 105,000,000*l.* In other words he believed the capital of the country had increased nearly twofold during that time. What had the capital of the country now to pay? Did it pay any more than it formerly did, with the exception of the income tax? He, therefore, held it to be gross injustice to continue to levy on some of the prime necessaries of life among the working classes from 34,000,000*l.* to 35,000,000*l.* of excise duties. He contended that a great portion of that sum should be taken off, and the deficiency supplied by an income tax properly and equitably levied. The fairest principle of taxation was, that capital should pay for its protection, and that it should pay in proportion to the capital. What was the capital of a poor man whose wages were 8*s.* or 9*s.* a week? Yet he paid five times in proportion to the individual who had a large income. He would ask if that was just or fair? Take taxation at the present moment. He held in his hand a statement of the revenue from 1762 to 1851, the Customs being 20,500,000*l.*, and the Excise 14,000,000*l.*, showing that 67 per cent of the whole revenue was chargeable on the necessaries of life, chiefly in use among the working classes, whose only capital was their labour. Stamps were 11 per cent more; the assessed taxes only amounted to 8 per cent of the whole revenue, the property tax to 10 per cent, the Post Office to 1½ per cent, and the duty on pensions, and other small items, made up the rest. Thus it appeared that 67 per cent of the taxation of the country was levied on articles subject to the Customs and Excise duties—that was to say, to indirect taxation, by means of which the original cost of the article to the consumer—who belonged to the working classes—was increased some 30 or 40 per cent. He therefore submitted that he was strictly warranted in the opinion he had expressed, that direct taxation was the best and most equitable system that could be adopted. There was a general wish on the part of the country to reconsider the whole question of taxation. He had been curious to know what the other items of taxation amounted to, besides the Customs and Excise; and he found the land tax amounted to 11 per cent, the windows to 17 per cent. servants to 1¾ per cent, carriages to 3¾ per cent, and horses to 2 per cent. How petty and paltry those items were, when compared with the Customs and Excise; and how advantageous it would be to sweep away all those taxes which interfered with industry, and which produced more annoyance to the payer and receiver than any other tax that they had. One would suppose that the income tax was paid by the land alone; but the land in England and Wales at sevenpence in the pound paid only 40 per cent. Messuages and factories paid a very large proportion; and the sum paid by the tenant-farmers he found gradually reducing every year. The assessment on messuages, on the other hand, was every year increasing. He was anxious to keep the amount of taxation down below the present rate. The large amount of money now taken out of the pockets of the people could not be taken from them if they had a system of direct taxation. Under such a system of taxation, he was sure the House would never sanction such an extraordinary amount of expenditure as it did at present. He had alleged in that House before, and he was prepared to prove, that the whole of the income tax might have been saved. There was no necessity for it, but for their extravagant and useless military establishments; and if the tax had been levied directly, and every individual had paid it, they would long ere this have had a clamour raised which no Government could have withstood. He had before him a statement showing the amount paid for their military establishments. In the five years from 1833 to 1837, those establishments cost 60,000,000*l.*, or an average of 12,000,000*l.* for each year. In the three years from 1848, the average cost was 21,000,000*l.* a year. He ought to deduct from that the expense of the Kaffir war, and 800,000*l.* on account of the distress in Ireland. Now, he wanted to see a sound and economical system of taxation which would give relief to all classes, high and low. In ten years before the imposition of the income tax, the expenditure for the whole of our military establishments amounted to 131,000,000*l.* in round numbers, or an average of 13,116,000*l.* a year. Taking the eight years since the income tax was imposed, from 1843 to 1850, the expense of those establishments was 144,863,000*l.*, being an average of 18,000,080*l.* a year in round numbers. The total amount of the income tax, from 1843 to 1850, was 39,709,000*l.*, while the extra expense of the military establishments during the same period amounted to 39,901,000*l.*, being the actual application of the whole income tax to those extra establishments. Now, he was anxious to make the tax perpetual, to make it just, and to remedy all those evils; but he did not want to frighten and alarm the landed interest by the word "perpetual." If they were opposed to a substitution of direct for indirect taxation, it was only from custom, and it was the more desirable to introduce a change, to make them familiar with it. By direct taxation, between 2,000,000*l.* and 3,000,000*l.* a year might be saved, many more people might be employed, and much greater advantages offered to the country. He could not understand why there should be any objection to the limitation of the tax which he was about to propose, with the view of always having a full and proper inquiry. One objection more he had to this Bill. He wished to alter altogether the mode of collecting this tax. The late Sir Robert Peel admitted that that mode was objectionable; but as the measure was a temporary one, he declined to interfere with it. He (Mr. Hume) objected to any individual being employed to assess or collect any public revenue without being responsible to the Minister of the day. At this moment there was no such responsibility. It was notorious, for instance, that the Commissioners of the Land Tax were appointed on political grounds through the influence of county Members. He thought he had before him a plan which would relieve them in a great measure of the difficulties incident to the present mode of collecting this tax. They had in the officers of the Excise tried men. In a Committee on which he sat, it was given in evidence, that 300,000,000*l.* had been collected by the officers of Excise, without the loss of a farthing by defalcation, and yet the officers employed of the first grades had not more than 500*l.* a year. He had the most perfect confidence that the Committee would be able to find in that department the means by which the anomalies attendant upon the present mode of collecting the tax might be obviated. With those observations he begged to move that the duration of the tax be limited to one year, with the view of instituting an inquiry by a Select Committee into the mode of assessing and collecting the tax; and whether the injustice of levying the same rate of charge upon terminable as well as upon perpetual annuities, and upon fluctuating and varying incomes from trades and professions as upon fixed incomes from real property, could not be greatly modified or altogether removed.

Amendment moved, "That the blank be filled with 'one year.'"

MR. ALDERMAN THOMPSON seconded the Amendment; but, in doing so, he could not support the arguments of the hon. Member for Montrose. He did not agree in the policy of his hon. Friend; for he was one of those who thought that it was most convenient to raise a proportion of the revenue of this country by a moderate duty upon the importation of foreign productions. He supported the Amendment of the hon. Gentleman because he did not think that House had kept faith with the public with respect to the income tax. They had renewed it twice, and were now asked to renew it a third time; and each time upon different grounds. He did not wish to enter into any detailed account of the partial and unjust way in which the tax operated; but he must say that he did not approve generally of the Budget of the present Ministers. He thought that Budget was capable of very great improvement, for he had the same objection to a house tax as to an income tax. He had been long enough a Member of that House to know what pressure had been placed upon Ministers to repeal a house tax on account of its injustice. The right hon. the Chancellor of the Exchequer on the first night of his Budget gave them to understand that he had something good in reserve for them for the year 1854. He told them that he would then be enabled to repeal a considerable amount of taxation. Now, though the right hon. Gentleman did not tell them what he meant, he could guess that he alluded to the terminable annuities. In the year 1822, the then Chancellor of the Exchequer—the late Lord Bexley—had raised a considerable sum by terminable annuities. The object was to relieve the heavy pressure then felt, occasioned by taxation for the military and navy half-pay list. Lord Bexley then raised the sum by annuities for forty-five years, and thus diminished the then existing burden. Experience had since proved that was a wise course adopted by His Majesty's Government. If it were not true, and he was not disposed to deny the truth of the allegation, that this country was year by year better able to bear the burden of taxation, he would ask, would it not be sound policy to give the present generation some relief, and not to refuse doing so for the benefit of those who might be living in the year 1867? He would now call the attention of the House to the amount of terminable annuities:—

	Present Decrease per Annum.	When Ending.
Diminished rate of interest on Three-and-a Quarter per Cents ...	£540,000 ...	Oct. 10, 1854
Terms of years.........	295,118 ...	Oct. 10, 1859
Ditto	291,960 ...	Jan. 5, 1860
Long Annuities	1,230,000 ...	Ditto
Irish Ditto	51,000 ...	Ditto
26 years' Annuity ...	212,780 ...	July 5, 1860
Dead weight ditto......	585,740 ...	April 5, 1867
	£3,206,598	

In 1860 the reduction will be £1,785,740 per annum.

The conversion of permanent into terminable annuities is at the rate of from 700,000*l.* to 800,000*l.* per annum.

Unredeemed debt	£769,272,562
Annual charge thereof	27,620,447

	Per Annum.
Present annual decrease by treating these annuities as if they were expired, is	£3,206,598
But by borrowing in Consols at 96 to pay the dividends as they become due on the above annuities so cancelled, the permanent annual charges on Consols will be	169,108
So that the above immediate decrease per annum of 3,206,598*l.* will be gradually lessened year by year, until 5th April, 1867, when it will remain permanent at	£2,337,490

The present annual decrease, by treating these annuities as if they were expired, was 3,206,598*l.* per annum. If capitalised it would amount to one-eighth of the whole of the national debt. He had made a calculation at that time, that if they were to convert these payments into permanent annuities—that was to say, capitalised them—the amount of charge per annum, with consols at 96, would be 869,108*l.*; so that the before-mentioned decrease of 3,206,598*l.* per annum would be gradually lessened, year by year, until the 5th of April, 1867, when it would remain at 2,337,490*l.* Had the Chancellor of the Exchequer taken these matters into consideration, he (Mr. Alderman Thompson) thought the right hon. Gentleman would have found that his position was such that it was not absolutely necessary for him to continue an income tax, which was subject to all those objections and heartburnings of which they had heard so much, both in and out of the House. In his opinion it was impossible to frame any income tax which would be free from objection; and with the views he had expressed he should give his vote for the Amendment of the hon. Member for Montrose.

Mr. MOWATT said, that although the alacrity exhibited by the hon. Gentleman opposite (Mr. Ald. Thompson) to support the proposal of the hon. Member for Montrose should make him pause before he did anything which was calculated to affect such a large amount of taxation as was involved in that proposal, nevertheless he had no alternative, after the fullest consideration he had been able to give to the question, but to vote for the Amendment of his hon. Friend the Member for Montrose (Mr. Hume). He believed that he was a greater friend to the property tax, by opposing the Motion of the right hon. Baronet the Chancellor of the Exchequer, than he could be by tendering to it his support; and, if the phrase were not a solecism in language, he should say that, by voting for the Amendment, he was a greater friend to the Government than they were to themselves. The Government, he thought, could not deny that they took to themselves the credit of following in the footsteps of the great founder of our present financial system, the late Sir Robert Peel, who evidently had made up his mind to change, as rapidly as the knowledge and the prejudices of the people of this country would allow him, the system of indirect to that of direct taxation. And he thought that he should be slandering that great man's name if he hesitated for a moment to believe that if the life of that great statesman had been spared, and he had been in office at the present time, he would have solved this great question before this time. If not, then he thought he could have seen cause to retrace his steps. He (Mr. Mowatt) thought it was absurd to say, that because he could not make the income tax perfectly equal in its incidents, perfectly equal in its operation upon all the classes who paid it, it was therefore chimerical to attempt to modify or improve it. He denied such a proposition altogether, and he moreover believed that the right hon. Gentleman the Chancellor of the Exchequer had not any very insuperable objections to oppose to a modification of this tax. He (Mr. Mowatt) would, at any rate, propose a plan whereby such an attempt might be made. He knew the difficulties which would have to be encountered in the effort to make this tax bear equally upon all classes of the contributors; but might not the same thing be said of all other taxes? Well, as to his plan, he would unhesitatingly say that he should propose to raise, say 6*d.* or 1*s.*, or any other given sum, in the pound, upon all real and funded property; and he would raise one-half that amount, say 6*d.* or 3*d.*, as the case might be, upon profits arising from trades. It might for a moment be supposed that such a plan would be harsh to many classes; but he contended that the individuals that would suffer from the unjust pressure of some such modification as that which he had suggested in an off-hand way, would be infinitely fewer than those that suffered from the present system. In saying that, he was perfectly aware that it was not only those whose livelihood was gained by trades or professions who suffered under the present system; he was willing to admit, since he heard it asserted on all sides, without contradiction, that the mode in which the property tax was levied upon land, entailed hardship upon the occupiers of land. It was for these as well as for other reasons that had been assigned *ad nauseam* on all occasions on which this system of taxation had been under consideration, that he contended that it was palpably absurd and unjust to make the man whose means depended upon his health, his mental and bodily exertions, and other accidents, pay equally with the man whose income was derived from realised property. Therefore, in order to set this question at rest, he was anxious to see the Amendment of his hon. Friend the Member for Montrose adopted; because, if carried, the result would be that one of two things would happen—either the Committee to be obtained by his hon. Friend would show that, whether or not we could devise a system which would make the tax bear with the most perfect equality upon all classes, we could at least greatly improve the present grossly defective mode of levying it. It would be seen that we could remove a great many objections that were now entertained to the tax by the great majority of the contributors to it throughout the country. Either that must take place, or the Committee would come to that House and report that after examining the question closely in detail, they found it was impossible to make any very material change in the tax—that it was impossible to ameliorate, to any great extent, the gross inequalities and unjust operation of the tax. He should then at once be prepared to say, that—strenuous advocate as he was for direct taxation, for the reasons which had been so forcibly urged by his hon. Friend the Member for Montrose—they must adopt some other machinery for taxing the property and incomes of the people of this country; for it was clear that this tax could not be continued. The present Government, while they professed themselves from time to time to be the apostles of that great financier, Sir Robert Peel, did not, in his (Mr. Mowatt's) opinion, pursue the policy of that eminent man with that steadiness and confidence in its solidity which one might expect from men avowing that faith. Believing that the Amendment, if carried, would render essential service to the principle of direct taxation, he should give it his hearty support. Hon. Gentlemen on the other side spoke highly of indirect taxation, but assigned no reason for their preference; but the true reason, no doubt, was because, in indirect taxation, the humbler classes did not know the real weight of the burden that was imposed on them. Hon. Gentlemen knew that the same amount levied by direct taxation would not be endured, and that it would not be safe to attempt even to impose it. They knew it would be impossible to raise 60,000,000*l.* or even 5,000,000*l.* a year by direct taxation, and appropriate it as it was now appropriated. Under a system of entirely direct taxation, the people would not only know the exact extent of the burden, but would take care to see how their payments were disbursed.

Mr. BUCK said, he seldom trespassed on the attention of the House, and would not now do so, but that he felt bound to state the reasons why he should support the Amendment. His arguments would not have great weight after the conclusive reasoning of his Friend the hon. Member for Buckinghamshire (Mr. Disraeli). He believed this tax to be unjust generally—grievously unjust to that portion of the community with which he was more intimately connected. Whatever reasons or motives founded upon expediency and the necessities of the State there might exist for the reimposition of the income and property tax in some form, he believed that in its present shape it was utterly indefensible. How could he—how could any one who, like him, daily witnessed the decay and the ruin of the agricultural classes—vote for the tax as at present constituted. The income tax would add largely to their difficulties. The imposition of that tax was as unjust as it would prove dangerous; and when the classes who were suffering this distress, which every day was involving them in a still deeper ruin—when they contemplated the course which had been pursued by the metropolitan districts, and perceived the success which had attended their endeavours, he felt confident they would pursue a similar course of agitation; and if any class were to be justified in taking such a course, he believed it was the landed interest, after the insults they had received. There was no interest in the nation that had so much reason to complain as the landed interest. Hon. Gentlemen expressed a kind feeling towards the working classes. Her Majesty at the opening of Parliament lamented the distress of agriculturists—the Prime Minister owned it; the Chancellor of the Exchequer asserted it; but the sympathy of the Government began and ended in mere words; their acts betrayed utter indifference to the sufferings of that class, and showed a desire to benefit every other, rather than the interest which most needed assistance. He denounced the tax now proposed as the most unjust, iniquitous, and obnoxious tax that ever existed in this country—a tax which originated under false pretence, and which was continued against the wishes of the people of Great Britain. The right hon. Baronet Sir Robert Peel, who imposed the tax in 1842, declared it was only for a specified period, and in order to rescue the country from the financial difficulties brought on by the tactics of the Whig Government. It was distinctly understood that it was to cease at the end of three years. It had been continued, however, notwithstanding this understanding; but he was glad to see that his hon. and gallant Friend the Member for Lincoln (Colonel Sibthorp) had an Amendment on the paper, the object of which was to relieve the farmers. Surely nothing could be more unjust than that the farmers, who, it was admitted on all hands, were not merely making no profits, but daily losing their capital, should be obliged to pay their taxes, and in as high a degree, too, as the most prosperous interest in the kingdom. What would the Government say, when his hon. Friend the Member for the North Riding of Yorkshire (Mr. Cayley) brought forward his Motion for the repeal of the malt tax? The farmer was compelled to pay a duty of from 50 to 100 per cent on the article, the produce of our own soil, whilst the foreigners might bring it here without paying a shilling of taxation. Such treatment was most unjust, and not more unjust than it was dangerous. If the Committee would listen to him for a few minutes, he would endeavour to place before it a few facts having reference to the county with which he was connected. In Exeter great distress prevailed, and there was a most sensible falling-off in the retail trade. The retail trade there was almost ruined, for the classes upon whom the shopkeepers depended for customers were themselves in the greatest distress. There were in Exeter the large number of 450 houses unoccupied; and in other towns in Devonshire still greater decay was manifest. In the union of which he was chairman, there were similar indications of distress. Take the small port, Appledore; in 1845 there were engaged there thirty vessels, giving employment to 120 men; in 1850, there were only seventeen vessels, and fifty-one men. In 1845, the wages paid them was 2,032*l.*; in 1850, 648*l.* In 1845, the number of stone-heavers was 3,088; in 1850, only 1,157. But there was another point to which he wished to call the attention of the Government; it was one of great importance, namely, provident societies. He was sorry to say that the provident societies throughout the country were in the same unfortunate condition. There was in Appledore a mariners' provident society. In 1845, 227 members belonged to it; in 1850, 162. So much for the effects of free trade in Appledore. Hon. Gentlemen had spoken of the great advantages which resulted to the labouring classes from the reduction of the poor-rates. Now, a fallacy existed upon this head, and the sooner it was dispelled the better. It was the fashion of free-traders to calculate upon the prosperity of a district, when it suited their purpose, by the amount of poor-rates. Now this was in many instances a most fallacious test, and the reason was, that in many unions the guardians, not wishing to put the ablebodied destitute in the workhouse, put them on the roads at 1*s.* a day. Now this fact could be ascertained, not by the poor-rates, but by the highway-rate returns, which rate it would be found was correspondingly heavy in those rural districts where the poor-rate was comparatively small. The return moved for by his noble Friend the Member for Colchester (Lord John Manners), would demonstrate the truth of what he stated. In agricultural unions, where the poor-rate seemed small, it would be found that the cost of the support of adult labourers was not included. In the union of St. Thomas, which was one of the largest in the west of England, where the practice to which he referred had not been adopted, a different result would be seen. In the year 1848, there were in the workhouse 3,912 inmates; in 1849 there were 3,272 inmates; but in 1850 there were 3,485 inmates. There was another important subject to which he begged to call the attention of the House, a point on which the late Sir Robert Peel used to place great stress, namely, the state of savings banks. The savings bank in Devonshire was the largest in the kingdom but one. From 1815 to 1844 there had been a constant increase of the deposits. In 1846 the deposits there amounted to the extraordinary sum of 1,216,399*l.*; in 1847, 1,123,399*l.*; in 1841, 1,171,770*l.*; and in 1840 it was only 1,100,000*l.* The hon. Member for Leominster spoke of the prosperity of the country, because of the number of persons who had 5,000*l.* and upwards in the funds; but he thought this was but a shortsighted view, and that the country would be much more safe and secure, and its prosperity upon a surer foundation, if the people generally were thriving and comfortable, if the labourers were employed, and the farmers were making fair profits. But what was now the aspect of things in the agricultural districts — farmers and labourers suffering alike, and both flying from the country. The emigration had in a few years increased from 50,000 to 300,000. In thirteen out of eighteen unions in this country, the population, so far from having increased, would be found to have diminished since the last census, in consequence of the tide of emigration. He believed nothing could be more lamentable—nothing which a lover of England ought more to deplore, than the loss of that class of independent yeomanry, and sturdy labourers, which had long been our pride and our strength. And where were they flying to? Why, to Republican America, whose President gave protection to all classes, to the producer as well as to the consumer. He would tell the Government that their policy had caused discontent from one end of the kingdom to the other. He had presented a petition from 1,500 most respectable yeomen, who said it was impossible that they could pay the taxes imposed on them under the present state of things. But the sufferings of the farmer, and of the farm labourer, were treated with contempt—a contempt which, the Government might rest assured, though it might be borne with for a little time, would before long excite a vigorous and a determined opposition. He knew it was of no use addressing the Government upon this subject; but when he spoke in that House he considered he was addressing the country; and he earnestly hoped landlord, tenant, and labourer would unite, and not cease in their endeavours until the Government was compelled to abandon class legislation, and to do equal justice to all portions of the community. He hoped the day was not far distant when the country would be governed by men who would understand and act upon the principle, that no one class ought to be sacrificed to benefit another, and that the real prosperity of the country was when the agricultural prospered with the manufacturing and commercial classes. If the present disastrous course were persevered in, there would be nothing but anarchy and confusion from one end of the kingdom to the other.

Mr. MACGREGOR thought it would have been wise on the part of Government either to have at once proposed the renewal of the income tax for only one year, or, before the meeting of Parliament, to have had some arrangement by which the schedules should have been placed upon some equitable principle. He knew it was said that it was impossible to arrange those schedules on a principle of justice. He believed it would be very difficult to impose any tax which would carry along with it an equal measure of justice towards all Her Majesty's taxpaying subjects; but he maintained that the schedules might be easily arranged so as at least to approximate to justice. He did not say that the Amendments of which he had given notice contained that degree of equality which was to be desired; but he believed that the rates he had put down in his Amendments were such as Sir Robert Peel, had he been living, would have approved of It had frequently been said that both Mr. Pitt and Sir Robert Peel considered it utterly impossible to make any difference between the rates on permanent and temporary incomes. He disputed the truth of this statement. Both of those Ministers saw the inequality and injustice of taxing temporary and permanent incomes at the same rate; but they were placed in circumstances which rendered it impossible for them to impose the tax in any other form than that which they adopted. According to his (Mr. MacGregor's) view, temporary incomes should be charged, not upon their gross sum, but upon the amount of profit which they were supposed to yield. For example, a gentleman had a professional income of 1,000*l.* a year. Now, that was exactly the same value as 1,000*l.* invested on land, or in the funds. But the 1,000*l.* invested in land or in the funds was at present taxed upon what it yielded in the shape of interest, namely, 30*l.*, whereas the other 1,000*l.* earned by the professional gentleman was charged upon the whole amount, which was evidently unjust. On articles of consumption a man with an income of 50*l.* would have to pay at the rate of 10 or 12 per cent on his income, while a man with an income of 300*l.* would not have to pay more than 6 2-3 per cent. The injustice of such a system of taxation was felt everywhere except where it ought to be felt—in that House. He would therefore advise Her Majesty's Government to adopt the proposition of his hon. Friend the Member for Montrose, and propose the income tax for one year only; if they did not they would create an amount of discontent in the country for which they were not prepared.

The Marquess of GRANBY: Every one, Sir, who has spoken to-night, has spoken against the income tax. I so understood the hon. Gentleman who has just sat down, though I own I had some difficulty in apprehending his views. The question which the House had to decide was, whether or not they were to continue the present income tax with all its anomalies, with all its injustice, with all its inconsistencies, for one or for three years? The question was, whether they were to pay deference to the convenience of the Government, or to the interests of the people of this country?—whether they were to pay deference to the convenience of hon. Gentlemen opposite, who—and he did not deny their right to do so—had changed their opinion on the subject; or whether they were to pay deference to the public opinion, which demanded that the tax should not be renewed with its present anomalies and injustice, and that the faith of Parliament should be maintained? It was the intention of those hon. Members who supported the tax in former years that it should not be permanent. He had that on the authority of the hon. Member for Montrose (Mr. Hume). The main arguments which were then used against the imposition of the income tax might be referred to two heads: first, that there was great difficulty in discovering what was the exact amount of each person's income; and, secondly, if it was discovered, in imposing a tax equally and fairly. With regard to the first difficulty, he believed there was no Member of that House who would get up and say that the difficulties during the present year were in the least degree diminished—he believed that they were very greatly increased. If he looked to Schedule D, he found that since 1842 there had been a decrease in the assessment to no less an amount than 8,000,000*l.* He wanted to know what answer Her Majesty's Government intended to make to this fact, for as yet no attempt had been made to explain the decrease in the assessment on the incomes derived from manufactures and trade. He wanted to know on which of the two horns of the dilemma they intended to place themselves—whether they would maintain that the income derived from trade and manufactures had diminished in amount, or whether they would maintain that fraud and evasion were carried on to an enormous extent? Perhaps his right hon. Friend the Chancellor of the Exchequer would choose to sit on the one horn, and the noble Lord the First Minister of the Crown would elect the other, and there might be a sort of political see-saw between them. But they had a right to know the sentiments of Her Majesty's Government on that point. His own opinion was, from all he had heard on the subject, that the income of the traders and manufacturers had materially decreased under free trade, and that in connexion with that decrease they had been forced to adopt a system of concealment, of evasion, and of fraud. But he would pass on to Schedule A. Were the difficulties diminished there? It was generally admitted by Members of this House that there had been a diminution of 20 per cent on the general average of the rental of this kingdom. He believed that the assessment under Schedule A was taken every three years, and that in the present year the existing assessment would expire, and a new one would have to be made. He asked his right hon. Friend the Chancellor of the Exchequer whether the Commissioners of the Income Tax intended to make a reduction in the assessment which had taken place in the rental of the land of the kingdom? If they did not, then he would say that for three years more they were about to enforce an assessment upon a diminished rental, which would be grossly unjust. If they did intend to reduce the assessment, then he would ask his right hon. Friend whether he had calculated the difference which this reduction would make in the receipts of the tax? A reduction of 20 per cent on the whole rental of the kingdom, which amounted to 48,000,000*l.*, would be 9,500,000*l.*, and the difference which this would make on the amount of the tax was 500,000*l.* The next difficulty to which he had referred was how fairly to assess the income after they had ascertained it; and he thought, from all he had heard during the debates on the income tax, that this difficulty had not decreased. An hon. Friend of his had insisted, and with great justice, that it was unfair and unjust to tax the tenant-farmer for profits which he was not making. No one denied that. How did they propose to remedy it? Then he would come to professions. Other hon. Gentlemen said, and with equal justice, that it was unfair that a man with a life interest in a property—a man whose income depended upon his health, and activity, and life—should be taxed in the same manner as a man whose income was derived from land, or from real property. But that was not all. Suppose they exempted those classes, what had they to do with life annuitants—with the owners of ships, which were a kind of property very precarious—with the owners of cotton mills—and so he might range through all the incidents of taxation. But if they made all these remissions, what would become of the tax? He therefore agreed with the right hon. Gentleman that it was impossible these remissions should be made. He was perfectly justified in saying so, not only from the opinion of the right hon. Gentleman, but from the opinion of the Chancellor of the Exchequer whom the right hon. Gentleman succeeded, for that was the opinion of the late Sir Robert Peel, and it was also the opinion of Mr. Pitt. He might also quote another opinion which he thought would have weight with the House, that of Mr. M'Culloch, who stated that an equal income tax was a *desideratum* which was not destined ever to be supplied, and that after the Legislature had done all it could to make the tax equal, injustice would still remain; and, therefore, nothing remained but either to reject the tax altogether, or to resort to it only on rare occasions. He believed Mr. M'Culloch was right, and that the Chancellor of the Exchequer was right in this opinion. He believed that the injustice of the tax could not be remedied, and therefore that it ought not to be imposed as a permanent tax. But he would call upon his right hon. Friend, if that was really his opinion, to vote with the hon. Member for Montrose, and to pass the tax only for one year. Much had been said by the hon. Member for Montrose as to the taxes falling upon the labouring classes of the community. He thought the hon. Gentleman was much mistaken in the position he had assumed. He believed that though the income tax did not directly take money out of the pockets of the labouring classes, yet practically it did so, for it was a tax upon the fund out of which the labourer's wages was paid. His belief was that, practically, a great injury was thus done to the labouring classes; and he believed, moreover, that indirect taxation was infinitely less felt by the classes who paid than direct taxation. On this subject he might again quote Mr. M'Culloch, because he would be generally admitted to have thought very deeply upon this question, and to have written upon it with great impartiality and fairness. Mr. M'Culloch's opinion was that, in the discussion of this question, Sir Robert Peel had greatly overrated the inconveniences arising from duties on expenditure; that though, in one sense, they were unequal, yet, in a higher sense, they were neither unfair nor unjust. They did not fall upon all individuals, but only upon those who indulged in the taxed article, and to the extent in which they did indulge in them, so that, in most cases, it was people's own fault if they were overtaxed. It was very different with a tax upon income, which is imposed on all individuals subject to its operation, however different the sources are from which their incomes are derived, and the consequence is, that it falls with disproportionate severity on those who are possessed of perishable income; and yet this hardship cannot be avoided without the entire abandonment of the tax. Though we admit the inequality, and perhaps even the injustice of taxes on expenditure, yet the worst of them is less objectionable than the most carefully devised income tax that can be imposed. I believe these views of Mr. M'Culloch to be the result of deep thought, and to be based on truth and good sense. One great proof that the system which the Legislature has lately been pursuing of transferring taxation from indirect taxation to direct taxation, has not been beneficial, may be gathered from the tenor of the speech delivered by my right hon. Friend the Chancellor of the Exchequer some time ago. My right hon. Friend, addressing the hon. Gentlemen behind him, said, and I think with great justice—

> "It is not for you, the supporters of the commercial policy which I have adopted, to taunt me with the difficulty which you feel now so much more than formerly in paying taxation."

I think my right hon. Friend the Chancellor of the Exchequer had a good right to quarrel with them; but then he turned round, and, alluding to something which I had previously said (I was not in the House at the time, for I was ill in the country), stated that the agriculturists were some 60,000,000*l.* out of pocket. The hon. Gentleman the Member for Montrose (Mr. Hume) had stated before that the sum was 100,000,000*l.*; but my hon. Friend said, "It is quite evident that the country—the community—is to that amount a gainer." If my right hon. Friend meant to say that the rest of the community was by 60,000,000*l.* better off, and the agricultural portion of the community to that extent worse off, then I am quite confident that he will at once bring forward and prepare a measure of relief for that interest, which will quite eclipse the measure of relief proposed by my hon. Friend the Member for Buckinghamshire (Mr. Disraeli). We shall then hear nothing more of agricultural distress or of financial reform. My right hon. Friend, I think, did believe that the country was, by 60,000,000*l.* better off. Now it would be just as wise to transfer money from the pockets of hon. Members on one side of the House to the pockets of hon. Members on the other side of the House, and then to say, because the same amount of money would still be in the House, that the whole House was as well off as it was before. The argument is, in fact, just the other way. Of the 60,000,000*l.*, whatever portion now went to buy foreign corn, but which previously had gone to buy English corn, and which was not paid for by our manufacturers — whatever surplus there was beyond these two sums actually went out of this country, and to that extent the country was poorer. I think I have shown that indirect taxation is certainly much more tolerable than direct taxation; and I believe and hope that the noble Lord (Lord John Russell) will pay attention to the observation made by the hon. Member for Montrose, who said that he was in favour of direct taxation, because, if such a system were established, the Government would then find it difficult to raise the amount of taxation requisite to keep up our present colonial and military establishments. The noble Lord, the other night, in a speech which I did not hear, but which I have read with much pleasure, said that he was sometimes disheartened with the speeches made in and out of the House with respect to our colonies—that it seemed as if we were only to consider how we would best destroy and pull down that great colonial empire which, with so much pains and trouble, and at so great an expense, we had built up. I ask the noble Lord to pay attention to the speech of the hon. Member for Montrose; for he may rely upon it that if we determine to destroy the tree from which the fruit is to be gathered, this country must rapidly and surely sink in the scale of nations. The issue which the Committee has now to decide is, whether we ought to continue this income tax for one year or for three years, with all its anomalies, with all its injustice, with all its vexatious interferences; and, believing, with Mr. M'Culloch, that the worst tax on expenditure is better than the most carefully adjusted income tax, I shall certainly give my cordial vote for the Motion of the hon. Gentleman the Member for Montrose.

MR. COBDEN: Mr. Bernal, it will be recollected by the Committee that I took the opportunity of publicly asking the hon. Member for Montrose (Mr. Hume) to bring forward this Motion, in such a manner as would enable the House to come to a decision on the question which he really feels to be at issue in this discussion. I requested my hon. Friend not only in public, but also in private, to take this course; and I think that the proceedings of this evening must have convinced him that it would have been better for his own cause if he had followed the course which I suggested. The hon. Member has stated the inequality and the injustice of the present income tax, and he has stated his case with remarkable talent and clearness. I think he will carry with him in almost every word he said a vast amount of the public opinion of this country—I mean as to the inequality of the income tax, and the necessity of remodelling it so as to impose a smaller amount of charge upon precarious incomes than upon those who have fixed and permanent property. The question is exciting a great interest in the country—the fact that on a large portion of the community, consisting of the professional and trading class, great injustice is done by the manner in which the tax is levied. My hon. Friend pleaded the cause of these persons, and I know he sincerely wishes that there should be such a modification of the income tax as that it should give satisfaction to all those classes, and so enable us to maintain the tax as a permanent one. If my hon. Friend had brought forward his Motion in this form—that it is expedient in reviewing the income tax to make a smaller charge upon persons with precarious incomes than upon persons in possession of real and permanent property, then I think we should have had a division in this House which would have fairly brought to issue the question which my hon. Friend wishes to raise. That is the Motion which I still think ought to be made; and I consulted you, Sir, if it could be made; but I find from you that it cannot be brought forward now; but certainly that is the question which my hon. Friend wishes to have put. Now everybody knows that if the question had been submitted in this form to the House, there would have been a majority of two to one against it. Why, the hon. Member for Cockermouth (Mr. Horsman) brought forward that identical resolution in 1848, and, in a tolerably large House, he was beaten by a majority of two to one. And is it more likely that we should now get from those hon. Gentlemen opposite, who represent real property, a concession to the trading and professional classes, when we had so recently a division in the House on the Motion of the hon. Member for Buckinghamshire (Mr. Disraeli) where we had only a majority of thirteen against the transfer of a portion of the burdens on real property to the shoulders of the industrious and trading classes. ["No, no!"] Why, the vote meant that, or it meant nothing. It was either that or a sham. But I may be asked, then, if I knew that such would be the result of a division, where is the advantage of bringing forward the Motion? Every advantage. I am not, whatever the hon. Member for Buckinghamshire may be, I am not for cushioning a question, and avoiding discussion, when I know that right and justice are on my side, merely because I may happen to be in a minority. I want to see the minority, and still more I want to see the majority—only give me a question with right on my side. [*Ironical cheers.*] Yes; but you profess to have right on your side, and yet you dare not trust yourselves with a discussion. I hear you talk a great deal about justice, but you avoid a discussion. I want a discussion, and I want a division upon the merits of this question pure and simple. Then let that division go forth to the country, and leave it to them to remedy what they conceive to be injustice. How has my hon. Friend (Mr. Hume) arranged his Motion? He proposes to limit the income tax for one year. I should not be surprised if 150 Members of the other side of the House should vote with him on this question. But will they tell me, or will they tell the country, that they give this vote because they wish to remodel the income tax, and to remodel it so as to relieve the professional and trading classes—and in the trading classes of course I include the farmers? [*Ironical cheers,*] Yes, yes. I will show you the difference between the farmers and their landlords before the Session is over. But that is not the question now. I say to my hon. Friend (Mr. Hume) does he expect that the 150 Members who may vote with him from the other side of the House are in favour of his Motion to limit the income tax for one year, because they think that the tax should be remodelled in the sense in which he wishes it to be? If he were under a delusion on this subject before, it must have been dispelled by the speeches from the other side of the House to-night. The noble Marquess (the Marquess of Granby) spoke frankly and plainly against the principle of direct taxation. My hon. Friend and the noble Marquess are at the antipodes of finance, and if they go into the same lobby together it must be to accomplish no common end—it can only be to separate afterwards still wider than before. Even success would only increase the hon. Member's antagonism to those who have helped him to his majority. The hon. Member for Devonshire (Mr. Buck) tells us of agricultural distress, and of the necessity that exists to relieve the agriculturists from taxation, and he wants to get rid of the income tax that he may relieve the agriculturists. How relieve them? The worthy Alderman, the Member for Westmoreland (Mr. Ald. Thompson), who spoke amidst the cheers of his own side of the House—he let out the secret how it is proposed to relieve the agriculturists. He tells us to take off the income tax, and if there should be a deficiency, to put taxes upon imports. [*Cheers.*] Yes, hon. Gentlemen cheer that—they frankly cheered it; and I would ask my hon. Friends the free-traders on this side of the House to listen to that cheer. You propose to take off the income tax, and to impose customs duties. I suppose that the 400 Customs duties which were abolished by the late Sir Robert Peel, to his immortal honour, are to be re-established, including a moderate fixed duty on corn. To this extent, then, of 5,000,000*l.* or 6,000,000*l.*, you call upon the Chancellor of the Exchequer to relieve the country. But this will be a relief to the agriculturists. At whose expense? Who would pay the new import duties? Why, the mass of the people who consume the articles. My hon. Friend (Mr. Hume) has already told us that 20,000,000*l.* are already paid for import duties. Have those hon. Gentlemen who talk of the pressure of taxation upon real property, and who are constantly telling us that the taxes press heavily upon the landowners and upon real property, have they ever had the curiosity to compare the amount of Customs duties paid by this country with the amount paid by other countries in Europe? Above 40 per cent of the whole revenue of this country is derived from Customs duties; while only 10 per cent is derived from the same source in France, 8 per cent in Spain, and in Austria and Russia about the same proportion. So that you already pay more than three times as much to the revenue from Customs duties as is paid in other countries; and, not satisfied with that, you want to throw more burdens of the same kind upon the mass of the industrious population. And, besides the Customs, there were the Excise duties which came under the same category; so that 33,000,000*l.* or 34,000,000*l.* out of the 50,000,000*l.* of taxation of this country were paid by the great mass of the people who consumed those necessary articles of subsistence. Those who advocate indirect taxation, and who strive to increase its amount, are aiming—whether they know it or not—to increase the burdens which are borne by the great mass of the community, and to relieve those who are best able to bear it. For if you want to levy a tax which is most likely to be oppressive to the labouring people, lay it on articles of consumption, because nothing tends to bring men so much to an equality as taxes on consumption. In no respect is the labouring man so much on an equality with the wealthy man as in respect to what he consumes of Excise and Customs duties paying articles. The labouring man swallowing his beer is in the same position as regards taxation as the wealthy man drinking his claret. But do hon. Gentlemen on the other side of the House pretend that the circumstances of the two are on a level? Certainly not; what my hon. Friend the Member for Montrose alleges, and what I also allege, as the strongest objection to indirect taxes is, that whilst you mulct the labouring man of a larger share of his earning than could have been extracted from him by any other process, you at the same time put obstacles in his way, and effectually retard his progress in doing that which would the better enable him in the end to pay the heaviest amount of taxes. This is no longer any mystery. All this is very well known to the people of this country. Whatever contradictory opinions may be held by hon. Gentlemen opposite in reference to direct taxation on the minds of the great mass of the people, no doubt exists but that every attempt to increase the Customs duties is an attempt to extract more than their fair share from the poorest portion of the community. Let my hon. Friend (Mr. Hume) bear in mind that he is not on this occasion enlisting on his side those who are in favour of reducing expenditure, but that he is enlisting on his side those who want to violate the principle on which he admits the taxes of this country ought to be raised. But if I found that the cross vote which is to come from the other side of the House was in favour of a real *bonâ fide* reduction of expenditure, they should have my vote. If I saw that they were enlisted in opposition to a tax of an obnoxious kind, which tax if repealed would lead to a reduction of expenditure, I would join my vote against such a tax, supposing it to be one which in my view was opposed to sound principle. But if you ask me to join in abolishing a tax which is sound in its character, though faulty in its details, I cannot join in that, because, even though the abolition of that tax would lead to the reduction of expenditure, I tell you honestly that there are other taxes which I would take off before the income tax. I tell you candidly there are 15,000,000*l.* raised from the Customs and Excise duties, the abolition of which I would prefer to the abolition of the income tax, if I could get such a reduction in the expenditure as would enable me to make this reduction in taxation. Therefore on every ground I must decline to join my hon. Friend the Member for Montrose in his Amendment on this question. If my hon. Friend or Gentlemen opposite will tell me how we shall advance one step towards the object we have in view—the remodelling and putting the income tax upon a more equitable basis, by joining with 150 Gentlemen opposite who want to get rid of the tax altogether, and to substitute for it Custom-house duties, including a duty upon the importation of corn—then I will join with him, if he or they can show me how it is to be done. But I do not admit that this tax is to remain permanent in its present form. I am opposed to the income tax in its present form, and I feel certain that the country will have the power at some time to remove its inequalities. [*Laughter.*] Hon. Members may laugh, but I do look forward to changes which shall give the great body of the people more power in this House than they now possess, and I do not think the present system of income tax will be allowed to continue. Have hon. Gentlemen opposite investigated the mode of levying the property tax in the United States of America? In predicting the result of the freer representation of the people of this House, you must allow me to instance the State of Massachusetts, the whole expenditure of which is defrayed by a property tax. But they do not go to the professional man—to the doctor, who wears out his brain with midnight watching for his fee, and tax his 500*l.* a year in the same ratio as the income from a landed estate of 15,000*l.* They tax property wherever it is found; they assess it upon capital; they do not assess income at all; they tax capital, and every man is thereby assessed according to the value of his property. In my opinion that is a great deal fairer system than a system which assesses professional income, and levies the same amount of duty upon it as upon realised property or a landed estate, which upon the death of the owner can be left unimpaired and as productive as when he received it from his predecessor. I am prepared to advocate a revision of this tax, in order to put the professional and industrial classes upon a fairer footing; but I will not do anything which can endanger the principles for the establishment of which it was imposed, or which may give a chance of releasing real property from the 2,000,000*l.* or 3,000,000*l.* which it now contributes to the property tax. I cannot afford to part with a farthing of that sum. Upon these grounds I shall oppose the Motion of my hon. Friend (Mr. Hume); and I ask every one of my friends who does not wish to endanger those principles, established when the income tax was levied, to join me in resisting the transparent attempt on the other-side to undo the system which, whatever may be the complaints of individuals or of parties, no one can deny has been eminently advantageous to the great masses of the community.

Mr. JACOB BELL inferred, from the turn which the debate had taken, that the issue lay between the property tax in its present form *versus* no property tax at all. As far as he could judge from the opinions expressed on both sides of the House, they were agreed on two things: first, that the present income tax was unjust, inquisitorial, and exceedingly oppressive; and, secondly, that, with all those objections, the state of the finances rendered it impossible to do without that tax for the present year. But, obnoxious as the tax was, and necessary as it was for one year, could the Government do without it for the two years succeeding? And here he was led to inquire, would the Government lose anything by limiting the period to one year? The Government would certainly lose two-thirds of the odium, and gain an amount of popularity out of doors, which he was quite sure would be in present circumstances of very great service to them. If there should be a change of Administration, the whole odium of imposing the tax for three years would rest with the present Government, for how could another Administration make any alteration, when a certain number of persons, having compounded, would have already paid the tax for three years? Supposing the present Government should remain in office for three years longer, would it not be equally easy, if requisite next year, to continue the tax? Why not, as was suggested, in the meantime consider some plan for removing the injustice and oppression of which there was just cause to complain? He felt that hon. Members who were generally supporters of the present Government were placed on the present occasion in a most unpleasant predicament. If they vote in favour of a reimposition of the tax for three years, and against its being limited to one year, they dare not look their friends out of doors in the face; and they must either do that or vote against the Government at a time when he believed every one on that side of the House, if not on the other, considered it exceedingly improper to place the Government in an embarrassing position by putting them in a minority and endangering their tenure of office. He therefore asked the noble Lord (Lord John Russell) whether that was a fair position for his friends to be in—under the necessity of either voting against the Government, or against a question which out of doors was considered of extreme importance. Upon this ground, he felt he could not vote upon the subject without addressing a few words in explanation, and if he should support the Government, it was only because he saw it was being made a party question.

Mr. SIDNEY HERBERT: Mr. Bernal, I have listened with much emotion to the touching statement of the hon. Gentleman who has just sat down, but I must confess that I am not influenced by the same feelings. I do not feel the same necessity of relieving Government at the expense of my own convictions; and if I come to the same conclusion as the hon. Gentleman (Mr. Bell), I entirely dissent from its being in any way affected by the state of parties in this House. I listened with great attention to the speech of the hon. Gentleman the Member for the West Riding of Yorkshire (Mr. Cobden); and if this is a night of cross voting, still more is it a night of cross reasoning. The Motion of the hon. Member for Montrose (Mr. Hume) is one which, under certain circumstances, has great attractions for me; but unfortunately he has broken through the rule given to some inexperienced persons performing judicial functions—besides giving the judgment, he has given the reasons for the judgment, and I think the reasons a sound argument against the conclusions to which he comes. I cannot accept his proposal, and vote for it upon grounds perfectly distinct from his, because I am altogether opposed to the principle he and the hon. Member for the West Riding advocate—so to modify the income tax as to constitute it a permanent source of revenue. I cannot forget the grounds on which it was first imposed. It was imposed distinctly as a temporary tax, for the purpose of effecting certain changes in the fiscal system of the country, and to cover the deficiency which in the course of that purpose would certainly be incurred. That was in 1842. We were induced to continue the income tax to carry out the same policy in 1845; and in 1848, on grounds perfectly distinct, but equally of a temporary nature—the visitation of the famine in Ireland. In 1842, in 1845, and in 1848, therefore, the income tax was proposed as a temporary remedy, to meet difficulties which we had not otherwise the means to encounter. The instinctive feeling in the country is, that the income tax is a tax only to be resorted to in times of pressure. The expression constantly urged that it is a war tax, would otherwise be senseless. What is the meaning of the income tax being a war tax, unless it be that it is a tax to which we are only to have recourse to meet deficiency from causes not likely to be continuous? Now, at the present time I think it a perfectly fair and just proposal, to continue the income tax; but then I have to consider the difficulties which arise in dealing with the question, with regard to the proposals of the right hon. Chancellor of the Exchequer. If I had only the attraction of the right hon. Gentleman's budget, I do not think that would, *per se*, induce me to vote for a continuance of the income tax. I regret that the budget does not deal more extensively with taxes which are, in their nature, elastic — taxes which, when you reduce them, recover the amount in a certain number of years, and which would ultimately enable us to get rid of the income tax. I regret that the right hon. Gentleman did not apply more of the surplus to the reduction of such elastic taxes. We have malt, which is an elastic tax; we have soap, which is an elastic tax; we have tea, which is an elastic tax; none of those are touched by the present budget. I wish and I hope to see them touched, but unless the income tax be granted it is impossible they can be touched; the Government, however, has chosen to prefer the loss of a large sum in the mutation of one species of direct taxation to another species of direct taxation—the assessing a tax upon houses, not according to the number of windows, but according to the annual value. There may be sanitary reasons rendering such a course necessary, though I think them exaggerated; but I ascribe the adoption of that course mainly to the great pressure from town constituencies to which the Government were exposed. The House, however, having concurred in it, it is too late for me to complain. But I may be asked whether any other budget has been offered more acceptable to me and to the views which I hold. I confess that there has not. As to the relief of burdens, though I do not agree with all the statements of the hon. Member for the West Riding, I think the relief to be obtained by the transfer of local burdens very much exaggerated, and not nearly so sensibly to be felt as people suppose. The relief to be got by the transfer of local burdens is, I think, much exaggerated by some hon. Members near me; but still where local payment was not required as a check upon extravagant expenditure, I do not know that there is any sound reason for not transferring them, when changes in regard to particular interests seemed to call for the transfer. It may be prudent, it may be politic, all that I feel; but the difficulty is this: that relief from local burdens is claimed, and claimed perhaps with justice, as compensation for the loss of protective duties, which I maintain were unjust duties —but still duties by a long course of legislation imposed by this House. I say, if that be the case, it may be politic to effect such a transfer, provided always that there be no attempt to regain protection, for which it is admitted to be compensation. They cannot in fairness ask for a remodelling of burdens for the loss of protection, and in the same breath say, "We will have back protection again." That is entirely out of the question; and it is that which destroyed, as I think, the ground on which the hon. Member for Buckinghamshire (Mr. Disraeli) based his proposal. It appears to me that my hon. Friends below me have taken an unwise course in that respect. Two lines of policy have been before them—one by the hon. Member for Buckinghamshire, and another by an extraneous authority. I cannot conceive how they could have hesitated between the first, which in many respects is a policy of wisdom, and the second which, is a policy based upon a thorough non-appreciation of the spirit of the country, of the course of public events, and of the practicability of carrying it to any beneficial result. We have then two budgets, to neither of which can I give my cordial assent. It would be absurd in me to vote for the proposition of the hon. Member for Montrose (Mr. Hume), the only effect of which will be to put a stop to all financial arrangements to which the House has given its assent. I do not think it possible to carry out any of the alterations proposed by the right hon. Chancellor of the Exchequer, if we are to have only one year's income tax in hand. The repeal of the window tax, of the coffee and of the timber duties must be given up, and there will be a fresh scramble for that surplus which exists, and will exist, up to quarter-day next year, but for which afterwards we shall have no permanent security. I have stated the reasons why it appeared to me that the income tax was, by a sort of tacit agreement, introduced as a temporary and not as a permanent tax. I think there are many reasons besides which imply that understanding. I do not for one moment contend that the income tax is not an unequal tax; but this I maintain, that its inequalities are not so great as those of many other taxes; but they are by far the most visible. That is a most important element in the question. Take any indirect taxation upon the necessaries of life (which is not like assessed taxes on luxuries or comforts, the incurring which is optional) you will find that, though unfelt, it does press most severely; and if you could take out the whole, the sum paid by a working man of that indirect taxation, as compared with the means at his disposal, the inequality and injustice will be far greater than can be shown between professional incomes and landed incomes, or any injustice involved in any of the schedules of the income tax. The merit of indirect taxation is, that it is insensible —a taxation not perceived by those paying it; and therefore it is important, in considering the injustice of the income tax, to remember, not that it is more unjust, but that it is more visible. Another and a paramount objection to the income tax is, that it engenders an immense amount of fraud, and success leads to further experiments, until it reaches an ingenuity of evasion which defies any of the scrutinies which fiscal provisions can impose. As to the new manner in which the income tax is to be dealt with, after the great changes which shall give the great body of the people more representation in this House, I entirely dissent from the hon. Member for the West Riding, because I think it very possible that a Parliament constituted exclusively of those who pay no income tax at all, may be of opinion that the income tax can be raised much higher. According to a great Whig authority, the natural limits of an income tax is 10 per cent; but they might transgress even that. I do not know whether the right hon. Chancellor of the Exchequer contemplates the permanent existence of this tax; but I do not think the temper of the country is willing to submit to it as a permanent tax. I honestly confess, however, that I believe the fiscal arrangements, in which so much relief is still to be given, are worth the weight and pressure of the income tax, which must be borne until those changes have taken place. With respect to the two items on which the duties are to be reduced, those of coffee and timber, I do not speak for myself, but I pronounce the language of men conversant with the subject, who speak with great confidence of the recovery of the whole amount of duty after a short period. Success in such cases has been so invariable that the alteration can be no longer called an experiment; and that success warrants changes to a still greater extent to the relief, not only of the industrious classes, as they are sometimes exclusively called, but of all classes. For that purpose I think the income tax is bearable, but I do not think any modifications can be made. Recollect modifications have been tried by the most eminent financiers of the country, by experienced men who were most anxious to effect them, if possible. Mr. Pitt and the late Sir Robert Peel, greatly versed as they were in these matters, and keenly alive to the fiscal injustice, if feasible, would have attempted it. My right hon. Friend the Chancellor of the Exchequer has, I know, applied his mind to see whether these inequalities cannot be overcome; and, so far as fiscal authority goes, there seems very little hope of dealing with the question so as to embrace an arrangement satisfactory to one class without giving additional discontent to the other. Take the income tax, then, as it stands, at all events for a short period. [*Cheers from the Protectionists.*] I understand the period that cheer means to suggest—it means, take it for one year. But we must look a little ahead. Are you prepared in 1852 to forego 5,000,000*l.* of revenue? The hon. Member for Westmoreland (Mr. Alderman Thompson) says he has a recipe for that, and he would make it up by a duty on the import of grain. ["No, no!"] I thought the whole merit of the duty on imports was to get rid of the income tax. If the imports cannot relieve this tax, by what process can it be done? But we are told it is not protective but countervailing duties which they seek. That is a distinction which I am not ashamed to confess I do not understand. It is a very fine distinction, and it appears to me calling the same thing by a new name, and nothing else. I apprehend the intention is by checking importations to make the price of grain higher. ["No, no!"] If you do not do that, what on earth is the use of a protective duty? I was told the other day by a practical agricultural authority that he himself was not very favourable, as a Protectionist, to a 5*s.* duty on grain. I asked why? He said he did not think it would affect the farmer. I asked a further explanation, and he said, "It would not raise the price to the whole extent of the duty"—that I think is true—"and, therefore, would not make any material difference to the farmer; but if he went to his landlord for a reduction of rent, his landlord would say, 'My good fellow, you have got protection.'" [*Cries of* "Name, name!" *from the Opposition.*] I thought that was a very sound argument, and though I shall not name the person, if any Gentleman only asks his own good sense whether that might not be the result, the answer will be pretty much in accordance with that made to me. But you (the Protectionists) say the importation is to be checked without raising the price. That is sheer absurdity: 4,000,000 quarters of grain were last year imported, which, according to you, could not have been wanted, because, if wanted, of course you (the Protectionists) would not wish to check importation. It cannot be said we can increase our growth to that extent between this and next year, even though our growing power ultimately increase by improved cultivation. I mention these things, in passing, to show that the proposal of a 5*s.* duty on corn is untenable. I have given my reasons why I am not able to vote with the hon. Gentleman opposite (Mr. Hume), because it would not have the effect of producing a better Budget, though I think a better Budget might easily have been made; and there being no prospect of obtaining that which I desire this year, I look forward to other years, and, feeling the necessity to retain the income tax for a further period, in order to carry out further improvements in our fiscal system, I shall vote against the Amendment of the hon. Member for Montrose.

Mr. W. MILES said, he had been a great deal astonished at the speech of the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), because when the right hon. Gentleman commenced he believed he intended to vote for the proposition of the hon. Member for Montrose; but the conclusion of his speech went to show that, however he might advocate a short imposition of this tax, still, for the sake of he knew not what Budget, from some imaginary Chancellor of the Exchequer, he was perfectly willing to continue it for three years longer. He always heard the right hon. Gentleman with pleasure, for there was frankness in his communications; but what had his speech on that occasion come to? A perfect wandering away from the subject; a reference to a return to import duties and a fixed duty on corn; and then a statement that this tax was brought forward, not for the sake of making up a deficit, but to reduce the import duties; and that it was reimposed, three years afterwards, for the same purpose. But he would recall to the recollection of hon. Members then in the House, whether the tax was not proposed to supply a deficit of 2,500,000*l.*, and which deficit had been accumulating, year after year, until it, in eight years, amounted to 12,000,000*l.*; and though first brought forward to face that difficulty, it was subsequently used to effect a perfect reversal of that system of taxation which the late Sir Robert Peel had previously proposed. But, taking the proposal as it stood, what said the hon. Member for the West Riding (Mr. Cobden). He seemed to be, as the Americans said, in a "fix." He knew that the hon. Member for Montrose (Mr. Hume) had brought forward his proposition in such a manner that if he did not vote for it his constituents would not be pleased—for what was the proposition? It was this: Should they have this tax, admitted on all sides to be in some respects unjust and unequal, with a surplus income of 2,500,000*l.*, replaced on the community for three years or for one year only? The terms of the proposition of the hon. Member for Montrose showed the injustice of the tax. He asked them to vote for it for one year only, and then, if circumstances required its continuance, to say how hereafter it should be levied. He could not conceive a proposition, considering the feeling out of doors as to this tax, more unobjectionable. But the hon. Member for the West Riding appeared totally to forget one class of the people; he looked only to the professional and trading classes. Certainly in the middle of his speech he said he conceived tenant-farmers came under the class of the trading community, and that hereafter he should bring forward some proposal to show that; but otherwise the whole of the hon. Member's arguments went to show that the professional and trading communities were alone interested in this tax, and that tenant-farmers were in the category in which they were always placed by the hon. Member as not worthy of notice, though he (Mr. Miles) thought, from what had lately occurred, the hon. Member would see, in unmistakeable terms, that they would have justice done to them. He had unanswerable evidence of the pressure of this tax. A gentleman whom he knew in the county of Devon had had large quantities of land, for which he formerly got ten shillings an acre, thrown on his hands in consequence of the recent measures of the Legislature; but notwithstanding these losses, he could get no reduction of his income tax. For the tenant-farmers and the landlords of England, then, he asked them to do that justice which they ought to do when 5,000,000*l.* of taxation, raised by an income tax, was not required for the next year, and to take it for one year only. They might then see what their financial state was at the end of the year, and let the majority of the House then decide whether or not direct taxation was the proper method of carrying on the finances of the country. One word as to the distress of the agriculturists. Let not the House blindly urge anything against that class, but let them look calmly and dispassionately at the privations it had suffered. From the Speech from the Throne they understood that landlords and tenants were the only part of the community that was suffering, but not one atom of relief had been given to them during the present Session, notwithstanding that acknowledged distress. Let the House then do the agriculturists the justice of saying that this tax, which was a burden to them, should last for one year only, instead of reimposing it, as the right hon. Chancellor of the Exchequer asked them to do, for three years more.

The CHANCELLOR OF THE EXCHEQUER said, he certainly felt some difficulty when the hon. Member for Montrose (Mr. Hume) sat down, to know what course he should take—whether he was to agree with the speech, or with the Motion with which the hon. Gentleman concluded, because it appeared to him that the one had very little to do with the other; and he placed him and the Committee in considerable difficulty as to whether he had to deal with the question of modifying the income tax, or that of renewing it only for one year. He confessed he was not in a much better situation in dealing with the various other speeches which had been made, because, although

the hon. Gentleman the Member for South Somersetshire (Mr. W. Miles) complained of the speech of the right hon. Gentleman the Member for East Wiltshire (Mr. S. Herbert), he confessed it seemed to him, that the right hon. Gentleman opposite was one of the few persons who really did address himself to the question before the Committee, and did give reasons which satisfied him, though they might not satisfy hon. Gentlemen opposite, why the tax should be continued for a period beyond one year. The worthy Alderman opposite (Mr. Alderman Thompson) and the noble Member for Stamford (the Marquess of Granby) declared that their object was to get rid of the income tax altogether, and to impose taxes upon foreign produce. He did not think they wandered more from the subject than the hon. Member for North Devonshire (Mr. Buck), who talked of nothing but restoring protection to farmers. That might be a proper subject to discuss at a fitting season, but not in a debate like the present. His hon. Friend (Mr. Hume) declared that the income tax should be made permanent, but he thought it desirable that it should be modified. What was the course which his hon. Friend would take to effect these objects? He wished that the tax should be modified; but that portion of his proposition he did not even submit to the consideration of the Committee. His great object, however—the one which he thought most important—was, that, whether the tax was modified or not, it should be made a permanent tax; and the course he took in order to attain that object was to propose it for the very shortest period. Why, if his hon. Friend succeeded in getting a majority to-night, he would not get one step nearer towards the modification of the tax, and he might go a considerable way towards making it a temporary tax. He would not advance his own object a single step; but he might advance the object of those from whom he differed more widely than he (the Chancellor of the Exchequer) did, though he had never advocated the permanency of the tax. If the hon. Gentleman had taken the same course that was taken by the hon. Member for Cockermouth (Mr. Horsman) in 1848, and proposed a modification of the tax, and taken the sense of the Committee upon that, he might have had the subject fairly discussed; and he might have attained his object, and, at any rate, his Motion would have been consistent with his views. But the course he took was furthering the views of those who differed from him as widely as possible. There was nothing new in any of the proposals. There was no information that was required upon the subject. The objections which the hon. Gentleman had taken to-night were perfectly well known and stated in 1842, in 1845, and in 1848. The identical proposition which the hon. Gentleman made to-night was made and negatived in 1848 and on previous occasions. He did not know where he got the notion which was referred to by the hon. Member for Penrhyn (Mr. Mowatt) that he (the Chancellor of the Exchequer) was in favour of a modification of the tax; because he stated, as distinctly as words would enable him, in 1842, that he thought no modification of the tax was possible; and he repeated that on subsequent occasions. The hon. Member for Penrhyn, and the hon. Member for Glasgow (Mr. MacGregor), said the late Sir Robert Peel would have modified it. Now he would say that he attached great importance to the opinions of a person who, like Sir Robert Peel, had given great attention to questions of this kind. What did Sir Robert Peel say in 1848, when he was in no way hampered by being in office—when he had none of these difficulties upon him, which office entailed—and when he had had the experience of six years to enable him to come to a deliberate opinion? Sir Robert Peel then said—

"I must say, after having given the subject repeated consideration, I think the tax ought to be on income, and that there should be no distinction made in the amount of the tax on account of the different sources from which the incomes are derived. I never would consent to relieve from the tax, incomes derived from trade and from professions, for the purpose of making an invidious, and, as I think, an unjust, distinction, by levying such a tax upon funded or what is called realised property. I think an effort ought to be made to meet the annual demand of the country by the annual exertion of the country, inasmuch as the annual income of the country depends upon that exertion. Why, that is really the principle upon which all your taxes are founded—all those taxes for which this income tax is a substitute. Surely, all the taxes which have been repealed fall equally heavy upon the professional man as upon the man of realised property. You make no distinction as to those who pay taxes on articles of luxury or who pay the assessed taxes, whether they be professional men or possess realised property. By repealing the taxes on articles of luxury, you benefit all parties equally, and therefore it seems to me that the onus of the tax which you substitute for those you have repealed, ought to be borne equally by all, whatever may be the source of their income. If you were to attempt to make the distinction such as the hon. Member for Cockermouth has suggested, it would be fallacious, and the same difficulties which are now pointed out in respect to the incomes of professional men and men of real property would occur. No principle can, in my opinion, be devised which would be more just, or, I would rather say, would be more free from objection, than that which you are desirous of seeing removed. It was upon that principle that I proposed the imposition of the income tax in 1842, and its renewal in 1845; and subsequent consideration has confirmed me in the opinion that any attempt to impose a greater annual burden upon income derived from realised property would, apart from the objection that the public faith is pledged to the contrary in the case of the funds, lead to consequences which I am not prepared to contemplate, and which I should dread to see accomplished." [3 *Hansard*, xcvii. 290.]

He thought it was impossible, after reading that speech, to say it could have been Sir Robert Peel's view to modify that tax. The hon. Members for Montrose and for Glasgow wished not to make a mere trifling modification of this tax. They were prepared to deal with great principles, which they ought to bring before the House, and not, as was proposed, before a Select Committee. They proposed to do away with, or reduce the duty on malt, hops, paper, &c., and raise the amount of 7,000,000*l*., which was now produced by indirect taxation, by direct taxation upon capital. Would the right hon. Gentleman (Mr. Hume) come down to the House and at once propose a Resolution to the effect that 10,000,000*l*. or 15,000,000*l*. of those taxes be repealed, and that a direct tax upon capitalised property be levied to make up the deficiency? That, with the views which the hon. Gentleman entertained, would be obviously the proper course to adopt; and if the hon. Gentleman succeeded in carrying that measure, then let him get a Committee to consider the details of the mode in which it should be carried out. The hon. Member for Penrhyn said his object was to impose twice the rate upon realised property that he would upon income. But surely that was not a point to be decided on in a Select Committee. It must be decided on by the vote of the whole House, and in that very Committee in which they were now considering the subject, if the hon. Gentleman felt disposed to appeal to it for a decision; but let him not ride off upon questions which did not bear upon the matter. Let him not suppose that he was advancing the cause of direct taxation by restricting the continuance of what they had already got; nor talk of matters of detail when introducing such great changes as he proposed. The hon. Member for Montrose had avowed that his object was to make the property tax a perpetual burden upon this country. He wondered that, with this object in view, the hon. Member himself did not prefer to take the tax for three years rather than for one, as a nearer approach to his principle. For his own part, he differed from his hon. Friend on that point; he had never proposed the tax as a permanent impost, but always, to borrow an expressive phrase from the hon. Member for Buckinghamshire (Mr. Disraeli) as a tax under cover of which certain further changes in our financial arrangements might be effected. He would ask whether any Chancellor of the Exchequer would be prepared to propose changes in the fiscal system with so large an amount as upwards of 5,000,000*l.* dependent upon an annual vote? Hon. Gentlemen who wished to see those changes made in the income tax, talked of alterations and reductions of another kind. Take the case of tea, for instance. He remembered that Lord George Bentinck, to whom hon. Gentlemen on the other side of the House used to look up as a high authority, thought it would be most beneficial that the duty on tea should be repealed. But he (the Chancellor of the Exchequer) would ask, could they deal with the tea duties and the income tax in one year? He held it to be a dangerous thing that so large an amount of taxation as upwards of 5,000,000*l.* should be dependent upon an annual vote. No man, looking at what had happened within the last three or four years, could say what the state of the country or of Europe might be in six or eight months hence. And at the beginning of another Session it would be hard that the discussion of this question should be inevitably forced upon Parliament under whatever circumstances the country might be placed at the time. It had been suggested that the Government merely wanted to keep up the tax for three years, in order to suit their own convenience. Were they capable of being actuated by such mean, petty motives, the course proposed by his hon. Friend would probably have better answered this purpose. There was but little certainty at present in the tenure of office, and, had he only considered his own convenience, it would have been an easier course for him to have proposed the renewal of the tax for one year only, taking the chance of the task of its renewal next year devolving upon some other person. But he did not think that such a course would have been right or honourable. So far as depended upon him, he would place no man in a worse position than that in which he wished to stand himself. He would simply say, therefore, in reply to such an insinuation, that, in the first place, his object was to effect a public good; and, in the second, that if official changes should take place, no successor of his might be put in a worse position in regard to this question than he himself occupied. It would be just as competent for himself or anybody else to propose a modification of the tax next year, whether it was renewed for three years or not. You could reduce a permanent tax in any year, so of course you might reduce one which was imposed for three years. But by proposing it for a more extended period, it did not render it imperative that it should be dealt with next year under whatever circumstances the country might be placed at the time. It was not advantageous for the country that there should be a financial crisis every year. It would be a most unfortunate thing, and exceedingly dangerous to its best interests. Let the Committee, therefore, decide as it would between direct or indirect taxation, he would not be a party to place this country in so fearful a situation as, under all circumstances, we would be, with a deficit of 5,000,000*l.*, and at the same time having to deal with one of the most difficult questions which could come before the Committee. Hon. Gentlemen, like the Member for Montrose, might pursue a policy which to him seemed utterly suicidal, considering the views which they entertained upon the subject. Hon. Gentlemen opposite might be led away by what they thought would be for their own interest into the shortsighted policy of putting 5,000,000*l.* into jeopardy annually; but he hoped the majority of the Committee would concur in the rejection of this Motion, which, if carried, would put 5,000,000*l.* of annual revenue in jeopardy, and would endanger that prosperity upon which the credit and power of this country depends.

MR. DISRAELI: The question, Sir, before the Committee is whether the property tax should be renewed for a period of three years or for that of one. That is the real question upon which we have to decide. The Amendment to the Motion of the Minister has been made by a distinguished Member of the party which support the Government; yet all the arguments of Her Majesty's Ministers and their Friends have been addressed to this side of the House. The hon. Member for the West Riding (Mr. Cobden) said there was no common object between the hon. Member for Montrose (Mr. Hume), and those Gentlemen on this side of the House, who have already declared that they intend to support him. The reason why I shall support the hon. Member for Montrose is this, that I think the assessments proposed under the renewed property tax are not equitable, and I think it not impossible to render them more equitable. That is the main and the real reason that I shall support the Amendment of the hon. Member for Montrose. But then it is said, in consequence of certain speeches that have been made upon this side of the House, that hon. Gentlemen are supporting that Amendment for other reasons, and with other objects. Let us see if there is any justice in that allegation. The right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), answering my hon. Friend the worthy Alderman the Member for Westmoreland (Mr. Alderman Thompson) said a great deficiency would be the consequence of the Amendment being carried, and that the worthy Alderman had in his speech tonight already a specific to supply that deficiency, namely, a duty upon foreign corn. Now the worthy Alderman never made the slightest allusion to foreign corn. And, strange to say, my hon. Friend did propose a specific remedy to supply the deficiency which the right hon. Gentleman (Mr. S. Herbert) says will be the consequence of the Amendment being carried. I give no opinion upon the specific proposed by my hon. Friend (Mr. Alderman Thompson. It no doubt is a proposition of an important character, and may lead to vast consequences. But what was the proposition? He would supply the anticipated deficiency by dealing with the terminable annuities that will end between this period and 1854 and 1867. And, therefore, so far as that attack of the right hon. Gentleman the Member for South Wiltshire upon my hon. Friend is concerned—so far as all the consequences of his reasoning, based upon that fallacious and unfounded assumption extend, they were not only most erroneous, but absolutely contradictory to the course pursued by my hon. Friend the Member for Westmoreland. Well, what occurred next? Another Gentleman, a county Member, the hon. Member for North Devonshire (Mr. Buck) made an able and interesting speech. And what was its subject? In detail he dwelt upon the state of the county he represents, and the condition of various classes of his constituents. He showed that the proprietor, the farmer, and the mercantile man, were all suffering. He showed the consequence of that suffering in the increase of pauperism in his locality. He gave no opinion upon the cause of the distress; all he said was, "You ought to remedy it if it be in your power, by the remission of taxation, and this is an opportunity in which you may offer that remission." How does that justify the statement of the hon. Member for the West Riding, or that of the right hon. the Member for South Wiltshire, or of the right hon. Chancellor of the Exchequer, that the speech of my hon. Friend the Member for North Devonshire was a speech in favour of protection, and that protection was his specific, according to that unfaithful reporter the Chancellor of the Exchequer? The word not only did not escape his lips, but the hon. Gentleman never referred to the possible or probable cause of the suffering to which he alluded. There was a third Gentleman who spoke on this side of the House, my noble Friend the Member for Stamford (the Marquess of Granby); and his speech, in giving his support to the hon. Member for Montrose, has been described as entirely changing the character of the debate, and attempting to support the proposition for the reimposition of duties upon foreign agricultural produce. Now, my noble Friend never referred to the subject at all. He did, indeed, allude to the views of the hon. Member for Montrose with respect to taxation, and he dwelt in favour of a reverse policy to that of the hon. Gentleman. But I have shown the Committee that nothing could be more erroneous, more unjustifiable, than the statement made that there has been an attempt from the beginning, on this side of the House, to change the character of this debate, to divert it from the true mark, and that, in fact, during the evening, we have been arguing for another reason, and in favour of another cause. "Our conduct is too transparent," says the hon. Member for the West Riding. The Committee must be aware of what is going on. There is much at stake! The income tax is at stake—that foundation of our prosperity — that only guarantee for the future comfort of this country." One great objection I have to the property and income tax is this—that it has always been brought into this House by representations which, to use the mildest phrase, have unfortunately not been fulfilled. That would not have been so, if at the right period the Ministers who felt it their duty to support such a policy had made a bold and fair appeal to the House and the country, and had asked them whether they were of opinion that the principles under which the financial system was administered should be changed or not. But, unfortunately, the income tax has been introduced and renewed again and again, while the whole community have always been led to believe that it was of a very temporary character. Unfortunately, too, the deception which has been practised upon the community has not been limited to the Ministerial representations on which I have referred. Other great authorities, when treating of that impost, and when endeavouring to persuade this House and the country to consent to great changes in the laws which powerfully affect their material condition, have made statements about this unfortunate tax which led to much deception and delusion, and which no doubt powerfully influenced public opinion. Why, here is the speech of one of the ornaments of this House upon this subject—not delivered, I admit, in this House, but in a place almost as famous, though its fame, like the income tax, may be temporary, and at a time when, in consequence of speeches like these, the legislation of this country was changed, and changed to the detriment of the very class who are now most complaining of the income tax. This is a speech of the hon. Member for the West Riding (Mr. Cobden) on the income tax, delivered in 1845, before the repeal of the corn laws. He said, "The income tax is a fungus growing from the tree of monopoly." Why, this is the tax that is the "foundation of the new commercial system," that is the only "security for the continuance of free trade!" He went on to say—"That one great monopoly, the corn law, alone renders that tax necessary." Talk of public opinion, indeed! I know not who can praise it too much, when we see how it is thus doctored and drilled, and I think that it is much to the credit of the common sense and spirit of the nation, that under such influences they can still generally act rightly and think justly. But the orator then commences that high prophetic vein in which he has unfortunately indulged so often—"With free trade there will be no protection." Is it to be tolerated, Sir, that men representing—as unfortunately the majority of the Members on this side of the House do—the suffering classes of the community, and classes whose sufferings have been recognised by the Sovereign, and lamented by the Ministry—is it to be tolerated, when a proposition is brought forward for the imposition and continuance of a tax, the details of which peculiarly press upon them, that because in a constitutional manner they express the feelings and defend the interests of their constituents, that men are to get up who have made such speeches in other places, and contend that that proper fulfilment of a public duty is nothing more than a mask by which they attempt to get back bad abrogated laws, while, according to the hon. Member for the West Riding, it would be impossible, after they ceased, that this tax could exist? The vexatious system did not depend upon the existence or non-existence of a corn law. The right hon. Gentleman the Chancellor of the Exchequer thus spoke in 1845: "With regard to the general argument against the income tax, proving its inequality, its injustice, its vexations, no attempts have been made to answer it." Well, it is to that inequality, to that injustice, to that vexation, that I understand the Motion of the hon. Member for Montrose is directed; and it is only to remedy that injustice, that inequality, and that vexation, that I support that Amendment. The hon. Member for the West Riding, playing the critic upon his friend and colleague, told him, "The course you have taken was, from the first, most injudicious—see the scrape into which you have got that innocent Member for St. Albans. Here are 150 Protectionist Members come down to take you at your word, and free trade trembles and totters to its base. If you had brought forward the question properly—if you had attempted to call the attention of the Committee to the inequitable manner in which the profits of trades and professions were assessed, you would have had a chance, certainly not of endangering the existence of the Government, according to the opinion of the hon. Member for the West Riding—(although I am not so certain on that head), for you would be quite sure of being well beaten; but you would have taken a straightforward course." But why did not the hon. Member for the West Riding take that course himself? Why did he not make that proposition? I will tell you why—I suspect the hon. Member for the West Riding has an idea that these terrible Protectionists are not so callous to the sufferings of professional men as he has given the Committee reason to believe. Let him bring forward the proposition in which he is so much interested—let him state his case, which he says he is about to state. But I will not guarantee the hon. Gentleman that he will be defeated by that large majority on which he calculates. I have given the hon. Member for the West Riding fair notice therefore; and if, when he has made his statement, and examines those benches, and finds the Government and free trade in danger, it will not then be open, after this fair warning, to the hon. Member for the West Riding to rise and pretend, after all, that while we have been discussing the merits of the assessment on professional income, we have all the time been veiling an attack on the new commercial system. Now, I warn the Committee not to be diverted from the issue before them by that stale old *ruse* of crying out that this is in effect a reversal of our commercial policy. Let the Committee be quite sure of this, that our commercial policy, whatever may be its merits, or whatever its deficiencies, is too vast a creation to be shaken by a chance vote in this Committee. That is not the way we mean to assail it if we feel that duty impels us to take that course. We shall not be deterred from taking a frank course upon all subjects in this House with respect to taxation, because a Gentleman may rise and pretend, for the five-hundredth time, that we are attempting to establish the abrogated corn law. We have been kindly treated to a lecture on that subject by a Member of the Cabinet which proposed that abrogation. The right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) described the attempt which I had made to alleviate the sufferings of the farmers by a moderate remission of taxation as one which was not adapted to the spirit of the age, and could only be prompted by one not acquainted with the feeling of the times. I will not argue the question at present with the right hon. Gentleman. He has given his opinion to-night upon the important question of a duty upon foreign grain. He says some are for a protective duty, or, as he says it is the fashion to call it, a countervailing duty, although he is utterly at a loss to comprehend what difference there can be between a protective duty and a countervailing duty. I am not here to offer any arguments in favour of a protective duty or a countervailing duty. They may be equally good or may be equally bad; but of this I am quite certain, that there is a very great difference between them. If there were not, the opinions of the greatest men who have treated of the subject were all nugatory—the opinion of Ricardo, that great light of political economy, and of authors so instructive and so painstaking, so cautious and so well-informed as Mr. M'Culloch, and a long list of others that I could enumerate. A countervailing duty has always been held to be a compensating duty, as its name imports —a duty offering compensation for some peculiar tax borne by a class which the community does not bear. A protective duty, on the contrary, is a duty granted to a class in consequence of the general taxation which all share; and those who have objected on principle to a protective duty are, on the contrary, among the warmest supporters of a countervailing duty. You may think it much more judicious to remove a peculiar tax, for which you propose to institute a countervailing duty, than to establish the countervailing duty as the compensation for the peculiar tax. That is a matter for fiscal arrangement, which those who take a general view of the interests of the country can alone decide. A countervailing duty is a duty not demanded as a right by a class; it is a financial arrangement, invented and proposed for the general interest of the community, and which never can be asked for by the class who are suffering from the peculiar tax as a compensation, though it may be accepted as a compromise. I will only repeat, in conclusion, that the reasons why I support the Amendment of the hon. Member for Montrose are those which I have stated. My object in supporting the Amendment is, that the assessment to the income tax should, if possible, be made more equitable; that I particularly, in this observation, look to the position of the tenant-farmers under the schedule constructed by the Government, and to the position of professional men. I feel persuaded myself that, whatever Members on either side may say, it will be impossible to maintain for any length of time the principles upon which the assessment of professional incomes to the property tax is based. All those anomalies and all those inequalities might well at first have been borne. When the Minister who introduced this law introduced it, as I believe most sincerely as a temporary measure for meeting an exigency and dealing with an exigency, it was useless to indulge in petty criticism, and the evils and grievances which time might soon remove. But when the temporary measure becomes permanent, and may even assume an everlasting character, then it is that the grievances become of a nature so serious that they enter into the calculation as to the management of the life of every man placed under their influence. There is also another reason why we ought to attempt vigorously to deal with these two points, especially with the latter one. The temporary measure which we supported at first, which introduced a greater degree of direct taxation into the financial system of this country, has induced hon. Gentlemen on both sides of the House to submit to principles upon which direct taxation ought never to have been established; because those who are sincere in being supporters of direct taxation—those who wish to see direct taxation enter largely into the financial system of this country—may rest assured that, unless they make it universal, direct taxation will never be satisfactory. You must endeavour to make direct taxation as universal in action as indirect taxation, if you intend it to form an important point of your financial system. Nothing is more popular at present, out of doors, than direct taxation; but it is popular with those who are not directly taxed. The present system is not taxation, but confiscation; nor is the evil confined to the class that is taxed. Continue that system —continue it even on a greater scale, as is the tendency of our present legislation —and you are attacking the capital of the country—you are diminishing the capital of the country, and the means for the employment of labour. These are the reasons why I, for one, feel it my duty to support the Amendment of the hon. Member for Montrose. If it were an Amendment from either side of the House, that would ask us in the present state of affairs to negative the imposition of the income tax, I could not sanction such a course. But because it does not interfere with the financial arrangements of either this year or the next—because it gives ample time to the Government to meet any difficulties —because I am sure no Government will attempt to meet those difficulties and redress the grievances which exist—unless we take such a course, I must support the Amendment.

Lord JOHN RUSSELL said, if the Committee were placed in any difficulty upon the question now before it, it was, he thought, owing to the course which his hon. Friend the Member for Montrose (Mr. Hume) had taken in endeavouring to promote his own views and propositions. The hon. Gentleman said, that he wished for a permanent tax upon property; he wished for direct taxes in preference to indirect taxes; he wished for a modification of the present tax on property and income. It would seem that the natural, the usual, the Parliamentary way of proceeding to effect such an object would have been, when the income tax was before the Committee, to have proposed such modifications as he thought equitable, to make the tax, if he could have obtained the assent of the majority, such as he should consider to be just, and, having obtained those modifications in the tax, then to have proposed that, instead of being for three years, it should be a tax of permanent duration. That was the natural, the Parliamentary, course for the hon. Gentleman to have taken; but the hon. Gentleman said that he could not take that course, for it was a matter of acknowledged difficulty to make this tax equal and just, and he could not make a proposition to that purport which was so complete as to enable him with confidence to recommend it to the Committee, and therefore he required inquiry. Well, but if the hon. Gentleman wished for inquiry, how came it that, during the time that the tax had lasted, from 1842 to 1851, he had never before proposed an inquiry? [Mr. Hume: Three times I have done so.] He certainly did not remember any occasion upon which the hon. Member for Montrose had proposed an inquiry on this subject. It was quite evident that, with the views entertained by the Government on the question, they could not propose an inquiry, because they agreed with the late Sir Robert Peel and their predecessors in office, that the tax could not be made equal and just by the modifications that were suggested. If the hon. Member for Montrose desired inquiry he should have proposed it, and should have conducted that inquiry; but having declined to do anything of the kind, having allowed the tax to be imposed in 1848 for three years, and not having proposed any inquiry either in 1849 or 1850, the hon. Gentleman now came forward and said, "Institute an inquiry, and impose the tax only for one year, in order that that inquiry may be made." It was, however, tolerably obvious that the hon. Gentleman could hardly succeed in that object, for in the present Session they could scarcely hope to arrive at any result with regard to so difficult an inquiry. The course the hon. Gentleman had pursued—he having neither proposed a modification of the tax nor an inquiry previously—had led to this very absurd consequence. If the hon. Gentleman wished the tax to be permanent, he was immediately supported by those who wished it to be done away with altogether. If the hon. Gentleman was anxious to establish direct in the place of indirect taxation—to abolish many millions of indirect taxation, which he said was excessive, and supply its place by a general system of direct taxation—he was immediately supported by those who were in favour of indirect taxation, who would carry it to a far greater extent than was the case at present, and who would abolish direct taxes with a view to increasing indirect taxation. He (Lord John Russell) thought the hon. Gentleman must have been rather alarmed when he saw the care that was taken of his child by those who differed from him upon all the views he held, and at the dandling and nursing which his infant had received during the whole course of the debate from those who were most strongly opposed to its existence. The hon. Gentleman must have been rather alarmed as to the future fate of that equal, just, universal, permanent tax which he had in his imagination. But there were other grounds upon which hon. Gentlemen opposite, in very considerable numbers, had supported the proposal of his hon. Friend (Mr. Hume) in the course of the debate. Those grounds, however much the hon. Gentleman who last spoke had tried to conceal them from the House, were founded on the necessity of getting rid of the income tax and of as much direct taxation as possible, with the view of imposing import duties upon foreign produce. The words of the hon. Gentleman (Mr. Alderman Thompson) who rose so immediately, as the fugleman of his party, to support the Amendment, were "foreign produce," meaning, as the House perfectly understood, that foreign produce which was usually known by the name of corn. The hon. Member for Buckinghamshire (Mr. Disraeli), however, could not bear the eagerness with which his hon. Friend (Mr. Alderman Thompson) rushed forward in favour of the Amendment. They never had a question brought forward in that House with regard to local taxation, or the malt tax, or any matter affecting the landed interest or the general taxation of the country, but some of the hon. Gentleman's (Mr. Disraeli's) supporters got up, and with the manliness which belonged to their character as a party, made the avowal, "After all, our real object is the restoration of protection." Then the hon. Gentleman (Mr. Disraeli) always had to rise after them, and to say, "Don't take them at their word; whatever you may have heard, I did not hear it." Indeed the hon. Gentleman always happened to be in such a situation that he did not hear a word of protection, though most hon. Gentlemen on both sides might have heard the necessity of a restoration of protective duties frequently reiterated. He thought the hon. Gentleman would at length get tired if his Friends would not be more prudent, if they would always march forward when he wished them to keep back—if they would persist in getting out of the line, and if they would be always firing off their muskets when he wished them to reserve their fire. He thought the hon. Gentleman would at last say, one of these days, "Upon my word, you are too bad; I will not march through Coventry with you any more." The hon. Member for Buckinghamshire said, "What is most dreadful, and what is more especially matter of reproach to the hon. Member for the West Riding, is that he goes and makes speeches in other places." That was not a crime which could be imputed to him (Lord John Russell); but the hon. Gentleman (Mr. Disraeli) said the hon. Member for the West Riding was open to the charge, which must lie heavily upon the conscience of any man who made speeches in other places. He (Lord John Russell) thought, however, that there were other hon. Gentlemen besides the hon. Member for the West Riding who made speeches in other places. Members of the Protectionist party sometimes met in other places; and if the Anti-Corn Law League met in Covent-garden, was there not a party which met in Drury-lane? It had been said that the Members of the Anti-Corn Law League had sometimes carried their speeches beyond the bounds of discretion; but had it not been said the other day that if the corn laws were restored, 100,000 men would be ready to follow a leader in supporting the laws so restored? If they heard similar hints sometimes given in that House, he thought it was not matter of surprise if they supposed that the object of the speaker was to restore protection. He considered, then, that the character of his hon. Friend's Amendment had been entirely changed by the support that had been given to it. The hon. Gentleman wished to have the tax continued for one year only, and that an inquiry should be instituted into its operation; but the hon. Gentleman's supporters did not say that was their object. They did not want an inquiry with a view of making the tax more equal, for no one but the hon. Member for Buckinghamshire had said that that was his object. The noble Member for Stamford (the Marquess of Granby)—a great authority among his party—had stated his opinion that the tax, unequal and faulty as it was, could not be made equal and devoid of faults; and the noble Marquess quoted with great emphasis and approbation the opinion of Mr. M'Culloch, who declared that, bad as the tax was, its faults were incapable of amendment; so that if the hon. Member for Montrose succeeded in carrying his Motion, he would be no nearer his object than he was at present. The hon. Gentleman would find that those who went with him into the lobby had a totally different object in view to that which he desired—that they did not wish for an inquiry for the purpose of rendering the tax equal, but that their real object was to put an end to the tax, and to create such a deficiency that they might accomplish that object which they pursued—no doubt most sincerely—a restoration of duties upon imports, and more especially a restoration of the duties upon grain and other foreign produce. One of the hon. Members for Devonshire (Mr. Buck), who spoke in support of the Motion, told them they ought to follow the example of the President and Legislature of the United States of America, where, he said, all native industry was protected. Every one knew, however, that none of the manufacturers of this country wanted any protection. When the protection upon wool and linen was removed many years ago, the manufacturers were not sufferers by the step, because they went into the markets of the world and competed with other producers upon equal terms. The only persons who now required protection were the landed interest of this country, who demanded a renewal of the protection which was formerly afforded to them. In 1842, when the differential duties were very much diminished in regard to some articles of manufacture, many of his (Lord John Russell's) constituents urged him not to vote for the tariff then proposed by Sir Robert Peel. They said, as he thought not unnaturally, "We could bear this competition with foreigners if we were not obliged to pay an extra and increased price for our food in consequence of the corn laws." His answer was—

> "I cannot comply with your request. I must vote for the diminution of the differential duties on your manufactures; but you may depend upon it that this country will not long suffer the injustice of which you complain—that you should be exposed to competition with foreign producers, while you are obliged to pay an antificial price for your bread in consequence of the Acts of the Legislature."

His statement had been perfectly justified by the event, for a very few years afterwards the duty on foreign corn was removed. In the course of some of the debates on this subject frequent allusion had been made to his (Lord John Russell's) opinions with regard to the income tax; and the noble Marquess the Member for Stamford had said to-night that he thought the Government would be justified in changing their opinions on that question. Now, his (Lord John Russell's) opinions with respect to the income tax had undergone very little alteration. He had opposed the tax in 1842, and he still thought he was justified in that opposition, though, if the differential duties upon corn, upon sugar, and upon timber had been then reduced, his objections to the tax might have been to a considerable extent removed. In 1845, however, he supported the income tax, on the ground of the great benefits that were to be received in compensation for bearing that tax. He then said he thought the tax was liable to the objection of inequality, and he could not deny that the tax was still liable to the same objection; but he did not see in what manner that objection could be removed. He believed those who thought it could be removed, when they came to examine the question of imposing a less tax upon professional men—when they came to compare the case of professional men with that of others who derived a life income only from land, and to consider the case of those who derived incomes from the funds, and what was required by good faith towards the fundholders, would admit the difficulties were so great that they would not be able to get rid of the inequalities. He had stated during the debate in 1845 that he desired, as the only way of getting rid finally of the income tax, a diminution of protection. His language then was—

> "Of this I am confident, that if you wish to get rid of the income tax, you should take the mode of endeavouring to improve the condition and increase the prosperity of the empire by opening new markets and admitting large imports, increase your exports, and find a fresh demand for labour; and by augmenting the consumption of those articles which you restrict by your imaginary favour and protection. Then, indeed, you might look forward, at the end of three or five years, to the abolition of your income and property tax; but if the question be between a perpetual income tax and the continuance of monopoly and restriction, I declare for the income tax, and a diminution and final abolition of all monopoly." [3 *Hansard*, lxxvii. 557.]

That was his opinion in 1845, when he did not conceal from himself the grave objections that existed to the income tax; but then he believed they would obtain more than an equivalent by diminishing those taxes which pressed upon the industry of the country. It was impossible to conceal from oneself that to-night, as on all other occasions when this question had been discussed, the object of those who opposed the tax was, that by rendering it less likely that the income tax could exist, they might obtain a return to protective duties. And let it be observed, that whereas in former times, when protective duties had not to be imposed, but only to be maintained according to an ancient system, the arguments which were drawn from national independence, from the necessity of the food of the people being derived from our own soil, in order that we might not depend for necessary articles of subsistence upon foreign nations—those and similar arguments were the chief objections urged against the change of our policy; now, we had almost nakedly the statement that for the purpose of doing justice to one interest in this country, to enable the farmers to continue their occupation with profit, and to pay their rents to their landlord, it was necessary to have protective duties upon corn. Now, these duties, whatever they might be, involved one or two consequences. Either, as the right hon. Member for Stamford (Mr. Herries) once argued in a very able speech, a moderate fixed duty would not raise the price of corn, and in this case the farmers would be disappointed, and would protest against our ineffectual legislation, and ask for further and more efficient protection; or, on the other hand, the duty would raise the price of corn, and enable the farmer to pay a larger rent than he could otherwise do; and then we had to consider the discontent we might excite among the great mass of the people. We had had, only on the previous day, a magnificent sight in this metropolis, a sight which was gratifying on many accounts. It was gratifying to see this nation and other nations of the world assembling in one place the various products of their talents and their industry; it was gratifying to see that the means had been found to place in a splendid and magnificent building those products of art and of industry. But what was most gratifying of all was to see the great mass of the people, some said 500,000, some nearer 1,000,000 of persons, in the utmost good humour, with content upon their countenances, with loyalty in their hearts, assembled to witness the spectacle that was exhibited befor them. Those people, some of them in the poorest and meanest habiliments, showing that they had great difficulty even by their industry to earn their daily subsistence, saw without envying, without repining, without complaint, the equipages of the rich and the splendid pass before them; they did so, as he (Lord John Russell) believed, because they felt that injustice was not exercised towards them. But if we were to tell the people that the rich were to have their incomes increased by adding to the price of the daily food of those masses, we could then expect no longer to see those cheerful countenances; we could then expect no longer that the institutions of the country would meet with ready and contented obedience; but we must expect the heartburning, the ill-will, and the discontent which must follow the imposition of unjust laws. He had felt it necessary to say thus much in consequence of the turn this debate had taken. He should have been quite willing to argue the question solely upon the ground of the continuance of the income tax for one year or for three. Upon that ground he should have argued that, as a nation, as one of the principal Powers of the world, it was improvident and unsafe to risk the duration of a considerable part of our income. He should have argued that, as this tax was liable to objections, which none of its promoters could completely gainsay, so much the more was it desirable that we should not have it year by year subjected to popular discussion. He should have said, at this time above all, it was desirable to know that our financial system was secure and solid. These were grounds which, as they affected the whole House, so they more peculiarly affected those who took Conservative views of the subject. The noble Lord the Member for Stamford (the Marquess of Granby) had asked him (Lord John Russell) to mark with attention the declaration of his hon. Friend that he wished for a direct tax almost universal and very large in amount, because he thought it would make those who paid it discontented with the amount of the establishments which the present Government considered necessary for the safety, the honour, the power of the country. He did not mark that observation; but the moral he drew from it was somewhat different from that of the noble Marquess. He (Lord John Russell) drew from it indeed the moral, that it was not desirable to lose our indirect taxation; but he drew from it also the moral, that it was not desirable to make this tax, giving more than 5,000,000*l.* a year, a tax which should be only lasting for a short time—to expose it to perpetual criticism, to expose it to fresh examination in the course of a year, and thereby run the risk either of our income falling below our expenditure, or of reducing that expenditure below what he thought necessary for the safety of the country. Let the noble Marquess be assured that he (Lord John Russell) was not mistaken in this, that whatever views might induce the noble Lord and others to support this Motion of the hon. Member (Mr. Hume), if they succeeded in that Motion it would not tend to promote the maintenance of establishments necessary for the safety of the country; nor would it tend to the safety of those institutions which the noble Lord thought ought to be preserved. On the contrary, our system of finance, our system of taxation ought to be known to the world as a stable and settled system. Nothing tended more to shake Governments, nothing tended more to shake laws, than to have the finances exposed to perpetual uncertainty.

Mr. MUNTZ said, he could not understand on what principle the Committee should grant a tax for three years when they had it in their power always to prolong it for an additional year if it was found to be necessary. Neither the noble Lord at the head of the Government nor the right hon. Chancellor of the Exchequer

had assigned one valid reason why they should vote the income tax for three years at one time, any more than they should vote the Army and Navy Estimates for three years at once instead of for the current year. They were told that the inequalities and iniquities of the tax could never be removed. Were they then to say that all improvement was to stop, and no remedy for a crying grievance to be administered? Let them follow the example of the United States of America, which had been already referred to, and they would collect a property tax much more sound, equitable, and free from vexation, and therefore much more satisfactory to the people at large. Whatever the Government might think, he was sure that out of doors great anxiety was felt on this subject. The people said, with justice, that the tax was at first conceded for a limited period, and for a special purpose; and yet, time after time it had been renewed, and they could not see when there was to be any end to it. The noble Lord (Lord John Russell) taunted the hon. Member for Montrose (Mr. Hume) with receiving support from the opposite side. Pray, was the noble Lord never supported by the opposite side, and had he not many a time courted the assistance of hon. Gentlemen opposite? He (Mr. Muntz) intended to vote with the hon. Gentleman (Mr. Hume), and he hoped he was determined to do what he believed to be right, and accept support in doing it wherever he could get it.

Lord JOHN RUSSELL said, he had not reproached the hon. Gentleman (Mr. Hume) with being supported by Members on the opposite side; what he said was that Members on the opposite side had supported him on reasons totally different, and in contradiction to his own views.

Mr. GEACH agreed with the hon. Member (Mr. Muntz) that there was a great desire out of doors that the inequalities of this tax should be adjusted. He would add that he considered it was borne with great patience by those who paid it, because they saw that a greater benefit resulted from its imposition to themselves and the mass of the community. He had supposed in his simplicity that in coming down to vote with the hon. Member (Mr. Hume) he should be carrying out the object that appeared upon the face of the Motion: but he had seen quite enough to satisfy him that by voting for that Motion, he should not get practically what he wished. He would support the Motion, if he could see a chance of thereby doing away with the inequalities of the tax; but he did not. It was necessary that a tax like this should be granted for a time certain, and that the question should not be under consideration year by year. Practically the House was keeping the power in its hands by voting the tax for three years. Under these circumstances he should vote against the Amendment of the hon. Member for Montrose.

MR. ROEBUCK said, he intended to support the Motion of the hon. Member for Montrose (Mr. Hume), and he hoped the Committee would allow him to defend himself from what he considered the extremely unfair speech of the noble Lord at the head of the Government. Let him (Mr. Roebuck) put fairly before the Committee the mode of argument of the noble Lord. The noble Lord did not object to that which the hon. Member for Montrose made the groundwork of his Motion, namely, the inequality and injustice of the tax. He could not do so, because he himself had heretofore supported the same views. He said, "If you support the hon. Member for Montrose, you will bring back the old system of protection;" and he wished to fix upon every man who supported his hon. Friend (Mr. Hume), the imputation that they were endeavouring, not to do away with the inequalities of taxation, but that they intended to bring back the system of protection. Now, the proposition of the hon. Member for Montrose was this, "You are to raise a particular sum for the purposes of Government"—(the hon. Member always endeavoured to make that sum as small as possible)—"and if you are to raise this sum, for God's sake raise it fairly." Let him (Mr. Roebuck) ask the Committee to pay the slightest attention to the pinching, miserable injustice of the tax. There was no tax so bitterly unjust as this income tax. Why did the noble Lord come forward, night after night, with those pretences of policy? He would put this question, which he had put formerly to the late Sir Robert Peel, who said he could not answer it. Was the man, who derived 1,000*l.* a year from land, from funds, or some settled property, to be dealt with precisely in the same way as the man who, after many years severe mental toil, and battling against difficulties, came to possess 1,000*l.* a year? Take a man at the age of fifty, instead of sixty, who had acquired that income by the stretch of his intellect; and if he should become paralytic, where would be his 1,000*l.* a year? Was there no distinction to be made between him and the man deriving his income from land? The hon. Member for Coventry (Mr. Geach) spoke of the feeling out of doors. He (Mr. Roebuck) would meet him before any body of his countrymen to-morrow, and if they had a spark of justice in them, they would admit the injustice of taxing both such parties alike. The hon. Member for Montrose said, "Let us have this tax for a year. We all acknowledge it to be an unjust tax. Let us see if within that year we cannot raise the necessary funds for the State in a more equitable way." What did the noble Lord mean by saying —"You are endangering the Government." Now, was that so great, so terrible a result? Seeing the thorough injustice of the tax, if it were necessary to raise the amount of it, it was the duty of the Committee to devise some more equitable means of doing so. He did not impute to hon. Members opposite that they were for their own party purposes taking advantage of a cry. When questions of economy arose, he hoped they would support economy. He could not see why the hon. Member for the West Riding of Yorkshire (Mr. Cobden), who had proposed such sweeping schemes of economy, should put his thumb on the ways and means, and withhold his support from this Motion. If taxation were stopped, expenditure would be cut down. But he (Mr. Roebuck) was not to be frightened out of his just views with regard to this unequitable tax, by being told that Gentlemen opposite were about to take advantage of the proposal for the purpose of bringing in an illiberal Administration. He had been long enough in that House to know that the most liberal things were done by the most illiberal Administrations, with a liberal Opposition. But there was nothing so mischievous as a pseudo-liberal Administration with a downright liberal Opposition. He thought the people of this country would suffer nothing if there were a change of places—a shifting of cards with respect to public men. Those now in office were quite out of their place, except when in opposition. They would render more benefit to their country in that character, and it would not be to him anything like a painful circumstance which would place them in that position in which they would shine peculiarly, to their own great honour and to the benefit of their country. If this be a just tax, make it permanent. If it be not a just tax, adopt it annually, as long as it is absolutely requisite for the purposes of the State; but take those precautions that will enable you to take some more just means of providing for the exigencies of the State. Let not the noble Lord (Lord John Russell) shift his ground. He meant to make the income tax permanent. He dared not say so, though he meant it.

Mr. HUME, in reply, said that no individual ever made a Motion in that House, whose object had been more misrepresented than he had been on the present occasion. He could only account for the course taken by the noble Lord (Lord John Russell) and the right hon. Chancellor of the Exchequer, on the supposition that they had been absent when he made his speech; otherwise it would have been utterly impossible for them to have taken the course they did. The noble Lord attributed to him (Mr. Hume) a course against which, in the very beginning of his speech, he had taken especial care to guard himself. It had been admitted over and over again, that the tax was unjust; and for what did he (Mr. Hume) ask? That the noble Lord might meet the wishes of people out of doors? Let the Government take the tax for one year, and in that time they would have an opportunity of considering some plan which would make the tax more just and equal, if they should think that it ought to be continued. The noble Lord, in opposing his (Mr. Hume's) Amendment, acted with great inconsistency. Did not the noble Lord, on almost all occasions. submit Motions for reference to a Committee, when questions relating to the Army, Navy, or Ordnance, were before the House? Had he not consented to the appointment of a Select Committee even when a charge of misgovernment was brought against the Governor of Ceylon? The noble Lord had said, why did you not complain of this matter before? But did not he (Mr. Hume) support the Motion of his hon. and learned Friend the Member for Sheffield (Mr. Roebuck) for inquiry into the tax? Did he not do the same with reference to the Motion of the hon. Member for Cockermouth (Mr. Horsman)? And had he not himself, on a previous occasion, brought the subject under the attention of the House? The noble Lord had made it a matter of complaint that hon. Gentlemen on the Opposition benches had given him (Mr. Hume) their support on this question; but did the noble Lord think that he would be so foolish as to reject support because it happened to come from hon. Gentlemen opposite? He should willingly accept support from any quarter in a just cause.

Question put, "That the blank be filled with 'one year.'"

The Committee divided:—Ayes 244; Noes 230: Majority 14.

List of the Ayes.

Acland, Sir T. D.
Adderley, C. B.
Anson, Visct.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, hon. F.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Best, J.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brocklehurst, J.
Brooke, Lord
Browne, H.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Campbell, hon. W. F.
Carew, W. H. P.
Castlereagh, Visct.
Chandos, Marq. of
Chichester, Lord J. L.
Child, S.
Cholmeley, Sir M.
Christopher, R. A.
Clifford, H. M.
Cobbold, J. C.
Cochrane, A.D. R. W.B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colville, C. R.
Compton, H. C.
Conolly, T.
Copeland, Ald.
Cotton, hon. W. H. S.
Cowan, C.
Crawford, W. S.
Cubitt, W.
Damer, hon. Col.
Dashwood, Sir G. H.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Granby, Marq. of
Greenall, G.
Greene, J.
Greenfell, C. P.
Grogan, E.
Guernsey, Lord
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, G. G.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.

Hodgson, W. N.
Horsman, E.
Hotham, Lord
Hudson, G.
Humphery, Ald.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Kerrison, Sir E.
King, hon. P. J. L.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Langton, W. H. P. G.
Lascelles, hon. E.
Legh, G. C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lushington, C.
Lygon, hon. Gen.
Macnaghten, Sir E.
M'Gregor, J.
Maher, N. V.
Meagher, T.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mowatt, F.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Patten, J. W.
Pechell, Sir G. B.
Pigot, Sir R.
Plumptre, J. P.
Portal, M.
Prime, R.
Prinsep, H. T.
Pugh, D.
Reid, Col.
Rendelsham, Lord
Repton, G. W. J.
Ricardo, J. L.
Richards, R.
Roebuck, J. A.
Rufford, F.
Rushout, Capt.
Sadleir, J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scott, hon. F.
Scully, F.
Seymour, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, Lord D.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Sutton, J. H. M.
Talbot, C. R. M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R.
Waddington, D.
Waddington, H. S.
Walsh, Sir J. B.
Walter, J.
Welby, G. E.
Whitmore, T. C.
Whiteside, J.
Williams, J.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.
Hume, J.
Muntz, G. F.

List of the NOES.

Abdy, Sir T. N.
Adair, H. E.
Aglionby, H. A.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blackstone, W. S.
Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W.
Crowder, R. B.
Currie, R.
Curteis, H. M.
Dalrymple, J.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Enfield, Visct.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
French, F.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Granger, T. C.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hardcastle, J. A.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heneage, E.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Howard, Sir R.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Locke, J.
Mackinnon, W. A.
M'Taggart, Sir J.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Moncrieff, J.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mulgrave, Earl of
Murphy, F. S.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.

Palmerston, Visct.
Parker, J.
Peel, Sir R.
Peel, F.
Peto, S. M.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Ponsonby, hon. C. F. A.
Powlett, Lord W.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. G.
Towneley, J.
Townley, R. G.
Trelawny, J. S.
Trevor, hon. T.
Tufnell, rt. hon. H.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Hayter, W. G.
Hill, Lord M.

House resumed. Committee report progress; to sit again on *Monday* next.

PROCESS AND PRACTICE (IRELAND)—COMPENSATION ALLOWANCES.

Order for Committee read.

MR. SADLEIR said, that if it was proposed to proceed with the Process and Practice (Ireland) Bill without affording the information which was asked for before Easter respecting the officers of the Court of Exchequer, whom it was proposed to compensate, he should move that the Chairman should report progress.

MR. HATCHELL said, that the Court of Exchequer Chamber, which was the Court of Error in Ireland, was established by an Act of Parliament in 1803. By that Act, the Clerk of the Court, being the Registrar of the Court, had a salary of 300*l.* a year. Subsequently the court was regulated by another Act, to which there was a schedule of fees attached, under which alone the officer of the court was remunerated. Sir Edward Tierney was that officer, and held the situation for twenty-five years. Whenever the Court of Error sat, it was the duty of that officer to attend and take down the orders that were pronounced by the Judges, and to superintend the business of the office. The Bill of his right hon. and learned Friend the Master of the Rolls last year was to regulate the general process and practice of the Superior Courts of Dublin. The object of the Bill was to supply an omission in the Act of last year, which omitted to provide for the compensation of Sir Edward Tierney, while it made provision for the other judicial officers whose offices were abolished. He really was at a loss to understand the reason of the opposition. A freehold office was abolished, to which a salary, averaging 300*l.* a year, was attached, and the public would be benefited by the abolition of the office.

MR. SADLEIR did not consider the information given by the right hon. and learned Attorney General for Ireland at all satisfactory. He approved of the object of the Bill, which was to remedy a blunder committed by the right hon. and learned Gentleman the Master of the Rolls, who had left out the Exchequer Court from the Process and Practice Act of last Session. Before Easter it was said that this Bill was to compensate three officers of the Court of Exchequer Chamber; but these three gentlemen were now reduced to one. He believed that, as long as he had been connected with professional practice in Dublin, this office had been a sinecure, so far as the personal service or attendance of Sir Edward Tierney went; he had been for a large part of his life an absentee in England and upon the Continent, and if he had any duties they were discharged by deputy. He protested against proceeding with the measure at nearly one o'clock in the morning. He wished the right hon. and learned Attorney General for Ireland would follow the practice adopted by the right hon. and learned Gentleman the Master of the Rolls last Session, of not originating debates on Irish Bills after midnight, except with the concurrence of Irish Members, who might be disposed to take a prominent part in their consideration.

LORD JOHN RUSSELL said, he had listened with great attention to the hon. Member, in the expectation that he was going to urge some Amendment to the Motion, but he had made none. He took no interest in Sir Edward Tierney's compensation; but he had always understood that when any change was made with respect to Judges who held patent offices which were to be abolished, it was the custom to give them compensation. To adopt a contrary practice would be a great injustice, and quite without precedent. The Bill of last year was supposed to include this court and office; but such appeared not to be the case, and the present Motion was for the purpose of supplying the defect. He had no objection to the proposition that debates on Irish subjects should not be brought on after twelve o'clock, contrary to the wish of Irish Members.

Mr. HATCHELL denied that Sir Edward Tierney was either a sinecurist or an absentee. He discharged the duties of his office, aided by two assistants, and these were the three referred to; but Sir Edward Tierney, he found, would alone be entitled to compensation.

Resolved—

> "That so much of an Act of the last Session for the regulation of Process and Practice in the Superior Courts of Common Law in Ireland, as authorises the payment out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of certain Compensation Allowances, shall be extended to the Officers of the Exchequer Chamber in Ireland."

House resumed.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 5, 1851.

Minutes.] Public Bill.—1ª Marriages (India).

MERCANTILE MARINE ACT.

Lord STANLEY said, I am anxious to direct the attention of your Lordships to a petition which deserves your especial consideration, because of the importance of the subject of which it treats, and of the body from whom it emanates. It is a petition which prays for the total repeal or the extensive modification of the Mercantile Marine Act, and it bears the signatures of no less than 6,000 shipowners, masters, mates, and seamen, of the Port of Liverpool, (*Minutes of Proceedings*, 25.) They complain that in this, as in many other instances, the legislation which affects them has been founded too much upon the representations of naval officers and shipowners, and too little upon those of persons who are practically connected with the business of the service, that is to say, of masters, mates, and seamen themselves. They complain, in general terms, of the many unnecessarily restrictive enactments, and of the many vexatious and annoying regulations to which they are compelled to submit, by the operation of the Mercantile Marine Act. Their petition is worded in very general terms; but, having had communication with the parties themselves, I believe I am in a position to explain to your Lordships what are the particular points in which they apprehend that the Act will affect them injuriously. I think, my Lords, that there is an admission on the part of the seamen of the mercantile marine generally, that the provision of this Act which treats of the examination which the masters and mates of our merchant service will have to undergo, and of their qualification, is a provision which was beneficially intended, and which, on the whole, is likely to work well. The petitioners, however, are apprehensive that it may be brought too rapidly and too suddenly into operation, and that it may bear very hardly on old masters and mates, who have been for 20 or 25 years in the service, and who are, not unnaturally, repugnant to the idea of being now liable to be examined in matters relating to their profession by persons whom they remember as having come to sea as boys, when they themselves were men. No doubt there is a regulation that persons so circumstanced may obtain certificates of "service," without undergoing an examination, but not a certificate of "competency;" but they complain that these certificates of service will not enable them to take charge of any ships belonging to the Government, or freighted with Government stores, or freighted with emigrants; and what they felt themselves especially aggrieved by, is this, that no restriction is imposed, and no examination required for foreign ships, which are now permitted to enter into competition with them, and to usurp the carrying trade. I do think that it is greatly to be desired that this matter should receive the serious attention of the Government, and that it should be taken into consideration whether it might not be practicable, without the least injury to the service, to extend some indulgence, so as not to compel them to undergo an examination, to old and experienced seamen, of whose competency there can be no question. With regard to the operation of the Act in other respects, the masters and seamen complain, firstly, of the ticket system, and, secondly, of the constant and unnecessary interference of Government officials, without whose intervention it is impossible for them to be either shipped or discharged. They also complain of the imposition of fees and of fines, and they are not entirely satisfied with the purposes to which the funds so raised are in all instances applied. They complain besides of that which is not immediately in the Act itself, but which arises out of it, namely, the power given by the Act to the Board of Trade to frame regulations binding on the seamen generally. With respect to the tickets, they were, no doubt, intended as a protection against the desertion of seamen in foreign ports; but experience has proved that for this purpose they are practically of no value whatever. No such protection has been afforded as was originally contemplated; on the contrary, desertions in the port of Quebec have greatly and lamentably increased, and the petitioners are given to understand that, in many other ports, desertions are now more numerous than they were ever known to have been at any former period. The tickets being compulsory, did not prevent desertion, but rather promoted it, for the men looked upon them as a device to impose an additional check and a more galling chain upon them, and they resisted them as conveying the idea of bondage. The sailor who deserted his vessel found it no difficult matter, either by fraud or forgery, or by some trumpery excuse, to obtain another registry ticket from the registering officer at a foreign port; while the sailor who had no intention of deserting his vessel, but accidentally lost his ticket, was obliged to pay a heavy fine to obtain another in its stead. The petitioners considered them especially objectionable on this account, that the oldest and the best seamen, and the youngest and the worst have their tickets in the same form and with the same character. It is, in fact, a mere designation and enumeration of them as of slaves and convicts. Now, to remedy this evil, they suggest that the application for a ticket should be made a voluntary act, and that a record of service and of character should be kept at the office. The ticket would then be regarded as an additional inducement to the deserving sailor, who would look upon it as a testimony of good conduct, and would be glad to have the number of his voyages inscribed on the face of it. As to the fees, the grievance on this subject is to be attributed rather to the manner in which the Act had been carried out, than to the provisions of the Act itself. At Liverpool there is but one shipping master, and the difficulty to the owner is very great in bringing his men separately to pass, and in keeping them after passing. The inconvenience, the annoyance, and the unnecessary expense which arises from having but one shipping master in so important a port, are certainly very great grievances. The fees paid in Liverpool alone average from 13,000*l.* to 14,000*l.* a year; and the total amount of the fees paid in the United Kingdom is 130,000*l.* The petitioners also object that the Board of Trade interposes in matters of minor detail where their interference is obnoxious and vexatious, and cannot possibly be productive of any good. Improve your mates and masters, and raise as much as possible the character of your commanders, and, above all things, give to all seamen, to master against men, and to men against master, the amplest opportunities of redress in your courts, both at home and in the Colonies; but leave the maintenance of discipline on board men-of-war and merchantmen, in the main, during the voyage, in the hands of that person who is intrusted with the management of the ship, namely, the master. With respect to the application of the moneys derivable from fines and fees, this, I think, is a matter upon which it is essential that the most satisfactory information should be afforded to seamen. At present, I believe, the surplus of the fund so derived is applied to the maintenance of those institutions at our ports known as Sailors' Homes. I do not mean to say one word to the prejudice of these institutions so long as they are properly conducted. No doubt they were very good in their first origin. They were originally intended as refuges for seamen against the impositions and frauds of "crimps," and as long as they were self-supporting institutions, and were conducted with a benevolent purpose, so long they would work beneficially and were worthy of all commendation. But I certainly do think that when they lose their self-supporting character, and are maintained half by Government and half by contributions levied from the sailors themselves, it is a question which deserves to be attentively considered how far they are beneficial to seamen as a body, seamen having to contribute to their support. I say not one word to the prejudice of the individuals who were concerned in establishing the Sailors' Home at Liverpool, nor one word to the prejudice of those who superintend it. I am sure that they are actuated by the very best motives; but I am given to understand, that the institution, as at present conducted, is a superior class of boarding house, neither more nor less, and that it enters into competition with such houses in the town. Fourteen shillings a week is what the inmates have to pay; and as soon as a seaman is unable to afford that sum, he is turned into the streets, and is as much at the mercy of the "crimps" as ever. To the married sailors, I believe, the institution is of very little service, if of any at all. It is only of service to the single men, and to them only while they can afford to pay for it. Many of the seamen are domiciled at that port with their wives and families, and it is unfair that these men should be taxed for the benefit of those who are boarded in the Sailors' Homes—that nearly 7,000 men should be taxed for the benefit of 300. The petitioners also complain that there is a tendency on the part of the local marine board to favour those who are inmates of the Sailors' Home, and to give them peculiar facilities for obtaining employment. Without meaning to impute improper motives in any quarter, I must say I think there is much justice in the representation of the petitioners, that the managers of the Sailors' Home ought not to be one and the same with the local Marine Board, and that there ought to be a greater number of shipping masters in the port of Liverpool. The petitioners complain of the application of fines and fees to the maintenance of the Sailors' Home, and they make a suggestion which I think is worthy of all consideration, namely, that schools should be established with the money, either in Liverpool or on board of ships in that port, for the instruction of boys desirous of entering into the marine service; and they say that, if this were done, there is not a sailor in Liverpool who would not subscribe to the project. I believe I have now stated the principal points on which the petitioners feel themselves aggrieved. No doubt their complaints may be somewhat embittered in consequence of their experience of the ill effects of another act of general policy—the repeal of the navigation laws; but I will not mix that up with their present grievances. Their requests are not unreasonable—they are couched in respectful terms, and therefore they deserve the attention of Her Majesty's Government. It would be very satisfactory to these parties if your Lordships would appoint a Select Committee of this House, for the purpose of examining into the allegations of these petitioners, of hearing their complaints from their own lips, and from the masters; and the House would then not only obtain a real and practical view of their grievances, but of receiving suggestions which might so improve the Act as to make it productive of all the beneficial effects which its promoters anticipated from it. I do not intend to make any Motion on the subject; but I venture earnestly to recommend the prayer of these petitioners—reminding you that they received six thousand signatures in Liverpool—a number so near that of the whole body, as to amount to unanimity—to the serious consideration of Her Majesty's Government.

EARL GRANVILLE entirely concurred with the noble Lord in the importance of the representations made by these petitioners, and thought that the difficulty which seamen must have experienced in offering objections to the Bill during its progress through Parliament constituted a sort of claim upon the Government to take their objections into consideration after the Act had been passed. At the same time it must be remembered that the difficulty which originally opposed itself to the stating of their case was quite as strong when their objections to the Act came to be stated; and he could not help thinking that some of these objections might be traced to persons who had profited by former abuses, and to a misapprehension of the operation of the Act. Many of the statements of the petitioners showed that they were labouring under a strange misapprehension of the grievances by which they fancied themselves oppressed. First of all, his noble Friend had stated that masters and mates of long standing were exposed to very great hardship, because they were debarred, unless they underwent an examination and obtained certificates of competency as well as of service, from employment in the service of Government in the conveyance of either stores or emigrants. The Government had felt that it could not make the examination compulsory upon them as it was upon younger seamen, and had therefore proposed to the Legislature that there should be given to them tickets of service instead of tickets of competency. That ticket enabled them to take the command of all other ships without any examination; and with regard to Government ships there would be no hardship, for the Government had for some time adopted the rule of refusing to employ masters who could not produce any examination certificate, even while the examination was altogether voluntary. With regard to the registry ticket, he had scarcely need to inform his noble Friend that it was not intended as a badge of degradation, but simply as an institution which might be useful in a case of public emergency, as in war. By the establishment of registration and shipping offices they secured a preference to good seamen and facilitated their identification. It might be a hardship for the good seaman to carry his ticket about him, and so to incur the danger of losing it, but it enabled him to identify himself whenever he was seeking for employment. As to the allegation that the shipping officers were too few for the number of seamen, he had only to say that in the port of Liverpool, although there was only one shipping officer, he had the power of appointing as many deputies as he pleased, and that his office was in the most central and convenient part of that town. The noble Lord then defended the objects to which the fee-fund was to be applied, but observed that it was useless to talk of the surplus of that fund until they had got it. As yet no surplus had accrued, at any rate within the port of Liverpool. With regard to the Sailors' Home at Liverpool, he must inform the House that only a very small portion of the local marine board at that port was connected with that institution. Out of the thirteen gentlemen who formed the Marine Board, only five were connected with the Sailors' Home. As to the regulations which had been published by the Board of Trade, the seamen were labouring under a very curious mistake. The regulations were voluntary, not compulsory, either upon the master or the crew. Great interest—he might even say dissatisfaction—had been excited by those regulations on the east coast of England; and, in consequence, they had been withdrawn by the Board of Trade almost immediately from the shipping offices on that coast. The Board had sent to the ports on the western coast—to Liverpool, for instance, and to Glasgow—and had offered to withdraw the regulations there also; but the Board was informed in reply, that a great proportion of the parties interested in them considered that the withdrawal of them would be unadvisable. If it were proposed to submit the subject to a Select Committee of their Lordships, he should be the last man in the House to oppose it. At the same time he must observe, that at that moment the excitement which had existed among the seamen was dying away, and the appointment of a Committee might revive it. Complaints of the operation of this Act were now coming in from the agitators of Sheffield and of Manchester; but he had hitherto been led to believe that neither of those places was a maritime town. He assured his noble Friend that all the points which he had raised that evening should be carefully considered by the Board of Trade; but at present it was not the intention of Her Majesty's Government to propose any important modifications in the Bill of last year, which had worked even better than had been anticipated. The Act might be modified in some minor particulars, but certainly not in its general principles.

The Earl of HARDWICKE could assure the Government that his noble Friend (Lord Stanley) was influenced by no other motive than a desire to see the Act work beneficially. The period at which that Act had been brought forward and put into execution, was one of great excitement and difficulty. If it had been made law some time previously to the repeal of the navigation laws, he had no doubt it would have worked with perfect success; and it would have been such a preparation for those troubles and difficulties as would have been of infinite service to the mercantile marine of England. The subject of the examination of masters and mates was one which naturally roused considerable feeling on the part of the old masters of ships. It was not at all surprising that men of vast experience, who had always maintained a respectable character, who had made numerous voyages, and had always borne the highest reputation for trustworthiness and skill, should find it offensive rather than otherwise, to be compelled to undergo a minute examination before they could have a certificate that they were competent to command a ship. The noble Earl (Earl Granville) said, they could have a service certificate; but it was a well-known fact, that hardly a shipping house in Liverpool would employ any master or mate unless he could produce the certificate of competency. The noble Lord had also said a good deal about misapprehension; but he thought the noble Lord had himself misapprehended a good deal the character of the registry ticket. So far from its being a badge of distinction, it was more like the number suspended from the button-hole of a cabman, in order to identify him. If the noble Lord would make these tickets a badge of good behaviour, by directing masters to write "good," or "very good," at the back, they would become more acceptable to the seamen, and be more likely to answer the purpose for which they were designed. To be sure, if the indorsement was "bad," the man's chance of future employment was gone altogether. This registry was at first instituted solely for the purpose of enabling the Government to know, in case of sudden war, or any other national emergency, where good sailors might be obtained to man Her Majesty's ships, inasmuch as provision was already made by the 13th and 14th Vict., cap. 78, for all offences against discipline, and imposed very heavy penalties in the shape of various terms of imprisonment. With regard to the regulation of discipline on board our mercantile marine, he thought that the regulations of the Mercantile Marine Act were too minute. The small details which it was necessary to have observed on board of a man-of-war for military purposes, were irritating on board of a merchant ship, and created bad blood for no useful object. The noble Earl, after reading from the Act a long list of offences, involving the party guilty of them in various fines and terms of imprisonment, observed, that when you proceeded to examine into the competency of your commanders of mercantile vessels, and compelled them by such examination to gain a certain amount of knowledge, you fitted them for command, and might, therefore, leave them to regulate such details themselves. With regard to the number of desertions which were alleged to have taken place from British vessels in the port of Quebec, he had heard that desertions had been equally numerous at New Orleans and in the Gulf of Mexico. The possession of a ticket made no difference; for, if the deserter was a sharp, shrewd fellow, and could put on a good face, and could tell a good tale, he easily got over the loss of one ticket and procured another; whereas, if he was a blundering fellow, and incapable of making out a good case, the chances were that he was fined 10*s.* by the registering officer, even though he were an honest man, and had accidentally lost his ticket. For the registering officer was the sole judge in such cases, and that, too, on the evidence of the men themselves, whether they had really lost their tickets or not. He might, therefore, do an act of injustice occasionally, owing to the want of grounds on which to form a correct judgment. The noble Lord seemed to think that the fees levied under this Act were not so excessive as his noble Friend (Lord Stanley) had represented; but there was evidence which rendered it easy to show how much would be received in Liverpool. In 1850 there were 404 ships which brought timber alone to that port. Reckoning these at an average of 500 tons each, that would give a total of 220,000 tons, which would yield 2,282*l.* The timber trade was certainly not one-sixth of the whole trade of Liverpool; but supposing it were, that would make a total of 13,000*l.* a year paid into the shipping offices of the port of Liverpool alone. This was too much to expend upon a large boarding house. Some of the money would be better laid out in the erection of schools for the education of seamen's children. The noble Earl concluded by stating the claims of the *Dreadnought* Hospital-ship at Greenwich to a part of these funds, inasmuch as the limited dues levied under an Act of Parliament, for the support of that noble institution, were insufficient, and it was necessary occasionally to appeal to the public on its behalf.

Lord WALDEGRAVE described, at some length, the advantages of such institutions as the Sailors' Home, and defended the course taken in respect to that at Liverpool. He believed these institutions had been in existence twelve or fourteen years, and their tendency had been greatly to improve the morals and add to the comforts of the sailor on shore.

Petition to lie upon the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 5, 1851.

Minutes.] Public Bills.—1° County Courts Further Extension.

2° Appointments to Offices, &c.

PROPERTY TAX BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

LORD JOHN RUSSELL: Mr. Bernal, before we proceed with the progress of the Bill with regard to the property and income tax, I think the Committee will prefer that either my right hon. Friend the Chancellor of the Exchequer or myself should state the course we propose to pursue with regard to this measure and the financial measures of the Session; and, as it is a matter that regards the Government in general, I have thought it better that I should take upon myself the task of stating that course. The Committee on Friday night, by a majority of 14, came to a decision that one year instead of three should be the period for which the property and income tax should last. The hon. Gentleman the Member for Montrose (Mr. Hume), who made the Motion to that effect, stated as his ground for doing so that it was desirable that an inquiry should take place with regard to this tax, with a view of making it more just and equal, and that he wished, such alterations and modifications having been introduced, that the tax should be continued, and, indeed, that it should be made permanent. I could not agree, nor do I now come to the conlusion, that it was desirable to abridge the duration of the tax for this purpose. But the Committee having decided otherwise, it was for us to consider what course we should take, so as to maintain public credit and the financial system of the country. Now, although in my opinion it is very inexpedient so far to place such a tax in jeopardy as to make it last only for a year, yet I cannot suppose that the majority of the Committee which agreed to that Motion had any view, any intention, of placing in jeopardy the public credit of the country. I could not so suppose, because the House since its first assembling after the general election has shown itself most careful in preserving public credit, and in providing for the necessary establishments of the country. I could not so suppose, because among the Members who voted for that Motion were many who are distinguished for showing, both by their acts and their speeches, their determination to maintain that credit, and to provide what is necessary for the public service. Therefore, Sir, concluding that such would be the intention of the House, we have to consider whether or no we can adopt the Resolution of the Committee, and proceed with the Bill in its present shape. Now, many Gentlemen who in private have argued this question with me have said that there is a general impression in the country that the income tax, which is at present unequal, might be made more just and equal: and when I have answered that Mr. Pitt and Sir Robert Peel, and others who have been in office, and had to carry on the financial arrangements of the country, have always come to a different conclusion, it has been replied to me that, if the conclusion to which those eminent men came should be supported by an inquiry, the country would feel satisfied by the result of that inquiry. If, on the other hand, it should be shown that the tax by modification could be made more fair and equal, in that case such alterations might be adopted. So that in either way the maintenance of the tax might be secured. I have no doubt that those who have expressed this opinion in private, acted on that view when they gave their support to the Motion of the hon. Gentleman (Mr. Hume). Seeing, then, that contrary to our opinion the Committee has come to that Resolution, we think it desirable, in the present state of affairs, that there should be inquiry upon this subject. I think, such having been the decision of the Committee, that it would neither be fair nor wise to attempt to refuse or evade that inquiry; but that there ought to be a fair inquiry, and one conducted by the men who in this House are generally the leaders upon financial subjects, and to whom the House is disposed to pay deference. I should therefore say that the Government is prepared to agree that there shall be a fair and full inquiry upon the subject. But a further question naturally arises—whether, taking this income tax only for a year, we can agree to any other modification of the tax, and whether we can proceed with those measures relative to the financial system of the year which my right hon. Friend the Chancellor of the Exchequer has already brought before the House. Now, upon that subject, we have to consider that the Committee has, by its previous votes, agreed to the continuance of the income tax for a limited period, and rejected the Motion made by the right hon. Gentleman the Member for Stamford (Mr. Herries), that the financial arrangement of the year should consist in taking off, without modification or alteration, a part of the income tax equivalent to the surplus which the House might be disposed to apply to remission of taxation. The House likewise concurred with my right hon. Friend the Chancellor of the Exchequer in the proposal to repeal the window tax, and to supply part of the deficit which would be occasioned by the loss of that tax by a tax on a more equitable principle upon house property. The House likewise agreed, without any division, I believe, to the Resolutions which were proposed on the timber and coffee duties, which Resolutions formed the main part of the proposed financial arrangement of the year. Now, we should be extremely reluctant to forego the repeal of the window duty, which my right hon. Friend has proposed. We look upon the window tax not so much as a great financial burden as a great social evil. I consider, therefore, that it would be a great misfortune if we should be obliged to maintain that tax, which the House has already resolved to give up. But, at the same time, we must consider that, in order to carry those Resolutions into effect, we ought to be enabled to have it made clear to us that, during the pendency of that inquiry, there will be no further alterations of the income tax, diminishing the produce of that tax during the year; and, in the next place, that there will be no further breaking in upon the finances of the country, so as to deprive my right hon. Friend the Chancellor of the Exchequer of the means of supporting public credit, and defraying the cost of those establishments which the House has already agreed to maintain. I think I am making no unreasonable requirement of the House when I ask these things; and I think it will certainly be our duty, while we propose to go on with the income tax, limited as my hon. Friend (Mr. Hume) proposes, to expect that that income tax shall pass without further modification, and likewise that the whole of the revenue which we hope to obtain will be secured, so as to enable us to repeal the window tax, and to carry into effect by Bill the Resolutions respecting the timber and coffee duties. I might, perhaps, ask the Committee to allow me, further, to correct a misconception which seemed to prevail on Friday night, and to prevail in the mind of my hon. Friend (Mr. Hume). He seemed to think that I was reproaching him with asking the aid of a party with which he does not agree in general political principles; and, supposing that to be the case, he said fairly enough that such had often been my own situation. I meant no reproach to my hon. Friend upon that subject. When parties happen to agree on the immediate question before the House, it is evidently natural that they should agree in the vote at which they arrive. But the observation I made to my hon. Friend was, that I did not think they were agreed in the ultimate object at which they aimed. For instance, when I have had the support of Gentlemen on the other side of the House—say upon the question of military and naval establishments—they have voted with me because they saw the same danger that I did in reducing them; and when they voted with me against the proposal of my hon. Friend himself with regard to reform, it was because they saw the same injury to the public welfare that I saw in that measure. But the question of Friday night was totally different, because my hon. Friend (Mr. Hume) had in view the maintenance of the property and income tax, which he would have modified with the view of maintaining it; and those who voted with him (I believe upwards of 200) had generally expressed by their votes their wish to diminish the property and income tax without modification, and to do away with it altogether. I only pointed it out to my hon. Friend as a reason why he should not expect these Gentlemen to go with him in the further propositions which he might make. But, as I have already stated, these questions will be submitted to a fair inquiry, and I trust that the country will be satisfied, either, with the Government, that this tax cannot be made more equal, without either damaging its amount, or else making it ten times more inquisitoral than it is; or that, if they are not satisfied in that respect, and there should appear to the Committee and to the country to be a modification of that tax possible, which should make it more just and equal, then my hon. Friend the Member for Montrose will have had a great success in carrying his Motion—a success the credit of which I do not wish to deprive him of, because I think it will be fairly due to him for having made a proposition which will make this species of taxation more tolerable to the country than it now appears to be. Such is the course which the Government proposes to take. I wish to state it fairly to the Committee, and I can assure my hon. Friend that, the opinion of the Committee having been declared, the last thing I should think of doing would be to evade the inquiry.

Mr. HUME begged to give his concurrence in the view of the noble Lord (Lord John Russell) that, after the determination to which the Committee had come on Friday night, no further alterations should be made in the taxes during the present year. It might turn out that the difficulties were so great that no improvement could be made in this tax; but if that should be the case, the country would be satisfied that every effort had been made to remove what had hitherto been a reproach on what was, in his opinion, a tolerable, and indeed a preferable, mode of raising taxation. He hoped that the gallant officer the Member for Lincoln (Colonel Sibthorp), who had given notice ef a Motion for an alteration in the mode of levying the tax upon the incomes of tenant-farmers, would not press his Motion, but would allow the Bill to go through Committee without alteration. He thought that the noble Lord had done well not to interfere with the repeal of the window tax; but he could not agree with the noble Lord that the Committee should be precluded from interfering with parts of the expenditure of the country, though he had no objection not to interfere with the taxation. No one had, for a long period, endeavoured more strenuously to support public credit than he (Mr. Hume) had done; and he therefore hoped that the noble Lord would acquit him of any intention, by that Motion, to interfere with the public credit. He should he satisfied, whatever might be the result, with doing his best, as one of the Committee, to place matters on a proper footing. A direct tax, to be a just, should be a general tax; and he hoped that the inquiries of the Committee would be directed to that point. He hoped that the Committee would be appointed without any long delay.

Mr. DISRAELI: Sir, I think that the vote to which the Committee came on Friday night was a very fair one, and after the notification received to-day from Her Majesty's Ministers, that a Committe will be appointed to inquire into the subject, it does certainly appear to be desirable that, after so shortening the lease of this tax, there should be no criticism in detail on any particular schedule. There certainly, however, is one Motion to be brought before the Committee by my gallant Friend the Member for Lincoln (Colonel Sibthorp), in reference to a part of the Act, which I think is entitled to the special consideration of the Committee. And although, perhaps, my gallant Friend might not think, after all that has occurred, that it would be altogether desirable for him to take exactly the course which he had anticipated pursuing, I still hope that, if that be the case, Her Majesty's Government will consider the propriety of adopting the principle suggested from more than one quarter—that the tenant-farmers of England should be rated to this tax in the same manner and upon the same principles as all other classes. I think that such an alteration on the part of Government would be quite consistent with not encouraging any further criticism on the Bill before the House. I hope that the right hon. Chancellor of the Exchequer will express the cheerful readiness of Her Majesty's Government to comply with that request. The noble Lord (Lord John Russell) made some observations which well became an individual in his eminent and responsible position with respect to the maintenance of public credit, justly giving credit to Gentlemen on this side of the House—and also, with equal justice, to those on the other —for being extremely anxious to fulfil that paramount duty. So anxious am I myself, and I am sure every Gentleman here, to maintain public credit, that, after the vote which the Committee came to on Friday night with respect to the term of the income tax, I shall feel it my duty—at least I shall consider it quite open to us—to consider the other financial propositions of the Government with reference to the new position which they now occupy. I do not consider, now the Committee has determined that the income tax shall only last one year, that we are bound to anything that has passed previously with respect to the other financial propositions of the Government, which passed under the impression that the income tax would last a much longer period. I reserve to myself the right of considering those propositions as new propositions—as propositions made under circumstances so different from those under which they previously came under the consideration of the Committee, that I think that, with reference to the great point on which the noble Lord has dwelt, with reference to the maintenance of the credit of the country, we must consider those propositions anew. The noble Lord has also made some remarks upon the imputed contrariety of purpose between Gentlemen on this side of the House and the hon. Member for Montrose (Mr. Hume), and upon the causes which led them to come to a common conclusion on Friday night; but still I consider that, though the noble Lord has had the advantage of reconsidering his previous remarks, he is still labouring under very fallacious views of our conduct, and of the circumstances of the case. I think that the object was fairly and fully a common object between ourselves and the hon. Gentleman the Member for Montrose. It may be true that he wishes the principle of the income tax to be a permanent principle in our finance, and certainly it is true that that is not a dogma which we should support. But I beg to remind the noble Lord that neither myself nor any Gentleman on this side of the House with whom I have had the pleasure of acting, has attempted to lay down the principle that we should oppose the reimposition of the income tax under the present circumstances. If we felt that we should at once terminate the income tax, that is the course we should have taken. But after well considering the subject, all that we counselled was that we should gradually terminate the tax; but the very circumstance that we felt that the tax should only be terminated by a very gradual procedure, proved that we did not consider that there was any mode of a very speedy termination. I cannot myself, and I should think that very few Gentlemen can, anticipate that, when the year is passed, we shall be able to carry on the affairs of the country without some reimposition of this tax. Well, then, the question arises, when the tax assumes a character of such permanence—at least, of such continuity—is it not our duty to make it more equitable if we can? That was the object that I had in view. I believe it was mainly that of the Gentlemen on this side of the House; and therefore I cannot agree that there was no fair common Parliamentary object in the course which we pursued. I think that the conclusion arrived at by the Committee on Friday night was a salutary one. I look back to it with satisfaction, and I have no doubt that it will lead the country to the opinion that the House of Commons is worthy of its confidence.

LORD JOHN RUSSELL: Sir, I do not wish to say anything with regard to the latter part of the speech of the hon. Gentleman (Mr. Disraeli), but will leave it in the way in which he has already stated it. But with regard to an observation which the hon. Member made at the commencement of his speech, that he thought the Government must agree to place the tenant-farmers in Schedule D, to be assessed in the same manner as persons in trades and professions, I think the Committee, upon consideration, must feel that it is desirable not to make any such alteration at the present time. When the proposition that has been adopted was originally made, it was supposed to be rather an advantage to the tenant-farmers: it is now said that it would be an advantage to them to be assessed in a different manner; but that, I believe, is a matter upon which there is considerable diversity of opinion, and therefore, I think, it is one of the questions that will very properly come under the consideration of the Committee, and that the Committee should not prejudge it by altering for this one year the mode of assessment which has been always adopted while the income tax has lasted.

Question put, that the clause, as amended, stand part of the Bill.

COLONEL SIBTHORP said, he had been delighted with the decision of the Committee of Friday, and had thought, now the ice was broken, he should have a better chance of success for his proposition respecting the tenant-farmers. The decision gave the Government a shake, and, above all, a severe shake to his right hon. Relative the Chancellor of the Exchequer; and the noble Lord (Lord John Russell) evidently smarted under the lashing he had had from his hon. Friend the Member for Montrose (Mr. Hume). He (Colonel Sibthorp) did not shrink from the discharge of his duty; but at the same time he should be prepared to defer to the wishes of those with whom he had the honour of acting. He was willing to postpone the Amendment of which he had given notice, but hoped, however, that the right hon. Gentleman the Chancellor of the Exchequer would not take advantage of the indulgence now extended to him, and leave the supporters of that proposition in the lurch.

The CHANCELLOR OF THE EXCHEQUER did not understand what the hon. and gallant Member for Lincoln wished him to say, beyond what had fallen from the noble Lord (Lord John Russell). The Committee had voted the renewal of the tax for a year only, and that the possibility of modifying it should be inquired into before a Select Committee; so that his hon. and gallant Friend (Colonel Sibthorp) would have an opportunity, if he wished, of examining, before the Committee, into the question which he proposed to submit to it. He hoped that the Committtee would assent to the opinion of the hon. Members for Buckinghamshire and Montrose, that as the Bill was to be renewed for a twelvemonth, and that as an inquiry into all these questions should form part of the duties of the Committee, no alteration of the financial arrangements for the year should take place.

Viscount JOCELYN wished to explain the reasons why he had proposed to move, and why he had resolved to withdraw the Amendment of which he had given notice, to the effect, "that in place of the arbitrary assessment in Schedule B of the farmer's profit, there shall be substituted some fairer mode, similar or analogous to that for computing the duty on trade and manufactures." It was because he thought that would be doing only a simple act of justice to a very important interest. When the hon. Member for Buckinghamshire (Mr. Disraeli), at a very early period of the Session, brought forward a Motion with reference to the distress of the agricultural interest, he (Viscount Jocelyn) and many of those who had acted together with the noble Lord at the head of the Government upon matters relating to the removal of restrictions on imports, supported the Motion of the hon. Member for Buckinghamshire; but he had done so because he believed that he was only doing an act of justice; and in the same spirit he had desired to bring forward his Amendment. The object of it was simply to ask for the farmer a power to appeal from a surcharge. But when he came to consider what took place on Friday; when he considered that it had been agreed to limit the duration of the tax to one year; when he considered what had been stated by the noble Lord at the head of the Government, that they were prepared to grant an inquiry; when he considered the difficulty with which the subject was surrounded—he came to the conclusion not to bring forward his Amendment, believing that the question was one to which the Committee about to be appointed would turn its attention.

Mr. W. WILLIAMS had no expectation that any good would arise from a Committee upon this subject, as no good had been derived from the Committees which had sat the last three years upon the Army, Navy, and Ordnance, and also upon Official Salaries. The injustice of the tax, as at present levied, was generally admitted, both in that House and in the country; and he should have preferred the imposition of the tax for three years, with the Amendment proposed by the hon. Member for Boston (Mr. Freshfield), by which profits in trade were to be charged only one-half the rate charged upon realised property, to its imposition unaltered for a single year, if the choice lay between these two alternatives.

Mr. BOOKER said, that representing a county from which he had presented many petitions complaining of the distress of the occupants of land, he could have wished the right hon. Chancellor of the Exchequer had given up part, if not the whole, of the paltry sum which his hon. and gallant Friend (Colonel Sibthorp) wanted, and which amounted to only about 300,000*l*. However, thinking that his hon. and gallant Friend could go before the Committee with a case which it would be impossible to resist, he thought he should be best consulting the wishes of his constituents, if he asked him to postpone his Motion, and reserve the question for the consideration of the Committee.

Mr. CHAPLIN said, that he had an Amendment on the Paper, which he supposed, under the new circumstances that had arisen, he must also withdraw. But he could assure the Committee that the farmers could not bear this tax any longer, and he was afraid that before the Committee made its report three-fourths of the farmers of Hampshire and Wiltshire would be swept off the face of the land. He thought that the small modicum of justice which he sought for might be given without the least fear of disturbing public credit. It was said that farmers, like manufacturers, should redouble their exertions, and they would then find relief. The two cases were not parallel. The manufacturer, having capital, could regulate supply and demand. The farmer could not do so; he had only a small capital, and was obliged to go on with the seasons, and under fresh circumstances—when he had done sowing and reaping he got nothing for his labour. It was remarkable that in the present year hardly any flour had been conveyed to the metropolis from the district with which he was especially connected. The millers in Hampshire contemplated the destruction of their business, not being able to compete with foreigners. In the present state of things the English miller naturally got less from the farmer. They were told that the millers' distress was owing to the superior grinding and dressing in France. If that were so, he could not blame any one; but he believed it arose chiefly from the fact, that the poor of France consumed a much worse quality of food than was consumed in England. [*Cheers.*] There was a much larger demand for the inferior descriptions of flour in France than here; and the result was that the better quality of French flour was forced into competition with ours, and consequently scarcely any flour had, during the present year, found its way from Hampshire to London. If the agriculturalists were treated justly and generously, they would display the same energy as other portions of the community.

MR. SPOONER agreed with the noble Lord (Lord John Russell), that having allowed the property tax to continue only for one year, it would be desirable to make as few alterations as possible in the measure itself. He thought that the hon. and gallant Member (Colonel Sibthorp) had done well in postponing his Amendment, but he hoped that he would not withdraw it altogether, if the result of their discussion were to tax the farmers so unjustly as it was proposed for the next twelve months. He hoped that the Committee would enable the tenants to appeal if they thought they could show that they had not received those profits upon which they were taxed. It was a well-known fact that many of them, so far from making any profit now, were wholly unable to pay their landlords their rents. In such case, deductions ought to be made in the property tax, in order that these persons might be relieved from the injustice to which they were at present exposed. It was a common case now for the man who was perhaps worth 4,000*l.* or 5,000*l.* in 1844 and 1845, to have lost half of his capital, from the change which had taken place in the corn laws. Was he, then, to have no deductions allowed him now? Under Clause 70, if a tenant goes away without paying a farthing of his rent, and without paying any portion of the property tax either for his landlord or himself, the produce of the next tenant was immediately seized upon by the Government for the former tenant's arrear. Would they suffer such an evil to exist for another twelve months, when the right hon. Chancellor of the Exchequer might easily remedy it by the introduction of a simple clause? He was as anxious as any person to preserve public credit. But if they wanted to shake public credit, they would make the farmers believe that they were dealing with them unjustly, and imposing upon them a burden which in common justice they ought to avoid doing. He would consent to allow the Bill to go on without further opposition, if the right hon. Gentleman opposite (the Chancellor of the Exchequer) would but say that he would take that single question into consideration, and would give the tenants an opportunity of proving that they did not make the profits upon which they were to be assessed. If, however, the right hon. Gentleman refused to consider this point, then he hoped that his hon. and gallant Friend (Colonel Sibthorp) would renew his Motion.

SIR THOMAS ACLAND concurred in what appeared to him to be the general feeling of the Committee, that if the Government were going to consider upon what large principles the income and property tax could be permanently maintained, then the best course would be to let the Bill pass through Committee as speedily as possible. At the same time, it was admitted on all hands that the farmers were in a different position from any other class. It had been acknowledged that they were the only exception to the general prosperity; and the legislation of that House was stated as partly the cause of their being an exception. At the time this taxation was arranged, it was not contemplated that they would be deprived of protection. He hoped the hon. Member for North Warwickshire (Mr. Spooner) would press the Amendments of which he had given notice, to make allowance and deduction from duties under Schedule A for repairs and rent irrecoverably lost; for repeal of the power of distress on lands in the occupation of a person who was not in the occupation thereof at the time the duties became due; and to give the power of appeal to persons assessed under Schedule B, either as owners of land in their own occupation, or as tenants in respect of losses.

MR. ALCOCK did not wish to exempt the farmer from his liability of paying his fair proportion of the tax, but he claimed for the farmer exemption from the payment of a sum arbitrarily fixed by the Chancellor of the Exchequer, and altogether irrespective of profits. There were 70,000 farmers who paid on an average 4*l.* 10*s.* a year for income tax. That was 300,000*l.*, or 3 per cent on 10,000,000*l.* The Act of Parliament and the Government said, that that amount had been made by the farmers. He denied that it had been made; and the right hon. Chancellor of the Exchequer had no right to charge the farmers with 3 per cent, when he knew they had not realised 1 per cent. He would suggest to the right hon. Chancellor of the Exchequer the propriety of dealing with the farmers precisely as he did with every other class of persons in the country whose income he had no certain means of ascertaining. Any person claiming exemption from the tax on the ground that he had not 150*l.* a year, had the privilege of proving that before the Commissioners, and thus getting rid of the impost. Why not allow the tenant-farmer the privilege? It was not altogether the amount of the tax that made it so objectionable, as the galling injustice that the farmer was obliged to pay a per centage on supposed profits, when, in reality, he was at a loss. What added to the sense of injustice was the fact that the Irish farmer paid no income tax at all, and the Scotch farmer only a mere trifle. If the right hon. Chancellor of the Exchequer did not concede this privilege to the farmers, he (Mr. Alcock) hoped the Committee would compel him to do so.

Mr. BANKES said, it might be thought very reasonable to say that as the tax was only imposed for a single year, the tenant-farmer might very well wait until that short period had lapsed. But, let it be recollected, that this was the year in which Her Majesty was advised by Her Ministers to state that the tenant-farmers were in a state of great and peculiar distress, and that this also was the year in which the same Ministers refused to do anything to alleviate the distress of that suffering class. The noble Lord (Lord John Russell) had stated, that at the time when the income tax was proposed, the arrangement then made was considered a good one for the tenant-farmers. It might have been a good arrangement for them at that time, for then the tenant-farmers had protection and fair prices for their grain; but now they were in great distress, and therefore it was but right to concede to them the small favour which they sought with respect to the income tax. He had heard with much pleasure a portion of the speech of the hon. Member for Salisbury (Mr. Chaplin), and regretted that that speech was not heard by a fuller house. The interruption which occurred in the course of its delivery did not come from that (the Protectionist) side of the House, but from the free-traders, who did not much admire the hon. Member's statement. He had stated that the labourers of France were maintained upon a much cheaper and inferior kind of food than that which our labourers would or ought to accept, and that the consequence was, that our farmers were unable to compete with foreigners. Another important point which the hon. Gentleman had noticed was, that the flour of Hampshire did not now come up to the London market. He (Mr. Bankes) hoped the right hon. the Chancellor of the Exchequer would give his assent to this very small proposition on behalf of the tenant-farmer—a proposition which, if the right hon. Gentleman resisted, would assuredly be forced upon him by the Committee.

The CHANCELLOR of the EXCHEQUER thought what had fallen from his hon. Friend behind him (Mr. Alcock) showed how difficult it was to deal with this question without going into the whole question of the mode of assessment. His hon. Friend said it was very objectionable to the English farmer that the Irish farmer should be exempted, and that the Scotch farmer should pay less in proportion than himself. They were really getting into a discussion on the whole principle of the mode in which the assessment under Schedule B was made. The truth was, that all the questions were so linked together that it was almost impossible to deal with any one of them fairly, and to give it the consideration which was necessary, and which it deserved, without going into the whole matter. Hon. Gentlemen on the other side of the House would remember that last year the noble Lord the Member for Stamford (the Marquess of Granby) observed that, at the time when the income tax was proposed, he thought the assessment under Schedule B favourable to the farmers. His (the Chancellor of the Exchequer's) opinion was to the same effect. He believed that the farmers of England paid far less in proportion, in ordinary times, than the tradesman paid under Schedule D. His belief, moreover, was that the present state of things would be far more favourable to the farmer than that which was proposed, for if a reduction of the assessment was hereafter to be made at all, it would be more advantageous to have it made upon the amount of their rents than upon the proportion of profits which they might realise. On general grounds, therefore, he thought the present arrangement was far more preferable for the farmer than that which was proposed by hon. Gentlemen on the other side of the House. Hon. Gentlemen must see that it was hardly possible to deal with one portion of the subject without entering into the whole. Moreover, if the anticipations of hon. Gentlemen opposite were correct, the present state of things would prove still more favourable to the farmers than it had been contemplated it would do. Hon. Gentlemen seemed to think that the circumstances of one particular year ought to induce an alteration. He thought they could not draw just conclusions from the circumstances of any one year; and he repeated that they could not make any change without taking the whole schedule into consideration. The present mode of assessment, he considered, would be the best on the whole for the farmer; and, as a landlord, he thought the wisest course would be to renew the tax as it stood for a year, and to go into the various questions as a whole in Committee. He quite agreed that the farmers had an equitable claim to be put on Schedule D; but, granting that, logically, he was still of opinion that it would be a bad thing for the farmers themselves.

SIR THOMAS ACLAND: Would the right hon. Gentleman not grant at least the right of appeal to the tenant-farmers?

The CHANCELLOR OF THE EXCHEQUER: Would his hon. Friend allow him to overcharge tenants between 150*l.* and 300*l.* a year who made any profit at all? On the whole, the assessment was a good bargain for the farmers as it stood. If he were to surrender on the one side, he surely ought to be allowed to surcharge on the other. He was prepared, however, to stand by the arrangement as it stood.

COLONEL SIBTHORP said, that after the discussion that had taken place, he thought the best course would be to withdraw his Motion, reserving to himself the power of discussing the principle on a future occasion. He hoped, however, there would be a suspension of financial arrangement until the Committee was appointed.

The CHANCELLOR OF THE EXCHEQUER was of opinion that the hon. and gallant Member had been unfairly treated, in consequence of so much irrelevant discussion having been raised on his Motion. However, he did not see much of practical use in the suggestion of suspending all financial arrangements until the Committee was appointed. He thought it was obvious that no time should be lost in the appointment of the Select Committee, in order that, if he had the honour to occupy his present position next Session, he might be able to direct his attention to their recommendations. He appealed to the Committee, however, whether the best mode of dealing with the subject now was simply to renew the Bill as it stood, and leave the matter for investigation before the Select Committee. As it had been his duty to look minutely into the measure, he could assure hon. Gentlemen that the questions involved in it were much more interwoven and intermingled with each other than many Members seemed to have any notion of.

MR. HENLEY thought the case of the farmers generally rested upon very special grounds. The assessment now expiring was a triennial assessment, on which the tenant paid 3½*d.* in the pound; and if the assessment were continued, he knew no means by which they could get relief from one halfpenny of that 3*d.* in the pound. That being so, he did not think any one would have the hardihood to get up in that House, and say that in 1849 and 1850 the tenant-farmers had made anything like the amount of profit at which they were assessed. During that time many a tenant-farmer's capital had been diminished at least 25 per cent. All that was now asked by the hon. Member for North Warwickshire (Mr. Spooner) was, that the Committee should give a power of appeal by those parties who had made no profits, not only during the last year, but during the year for which they were about to be assessed. He (Mr. Henley) thought that was not an unreasonable proposition. He very sincerely regretted that, though the suffering of the tenant-farmers was admitted, they were to have no hope held out to them of any amendment of their condition in the present year.

SIR JOHN TROLLOPE said, the noble Lord at the head of the Government had not yet told the House how far he intended to carry out the recommendations of the Committee on Official Salaries; and now he had a proposition for a Committee on the Income Tax, which was no doubt a very convenient mode of getting over that question; but he trusted the noble Lord would be compelled to bring the fate of the tax to an issue during the present Session of Parliament. This course of proceeding was highly unsatisfactory to hon. Gentlemen on that (the Opposition) side of the House; and unless they had something more satisfactory held out to them on the point under discussion, he, in common with the hon. Member for Oxfordshire (Mr. Henley), would ask the hon. Member for North Warwickshire (Mr. Spooner) to persevere in his Motion.

Lord JOHN RUSSELL must say that the hon. Baronet who had just spoken had not put the question very fairly. The hon. Baronet spoke of the proposal of a Committee as being entirely the proposal of the Government, and as if they had used every argument they could to persuade the House to adopt it; and then the hon. Baronet came forward and said this was no doubt a very convenient course for the Government to take in order to get rid of the question. Now, he thought the Committee was not likely to be of the opinion of the hon. Baronet. There had been two courses before them on Friday next, either of which the House might have fairly taken. One was, that with the view of having a Committee appointed, the duration of the income tax should be limited to one year; the other was to discuss all the modifications and proposals that might be made in a Committee of the whole House, and either reject or adopt those modifications, renewing the tax for three years. Either of these courses might have been taken; but a majority of the House thought it most convenient, and the hon. Baronet voted along with them, that the first proposal should be adopted, and all the various matters sent before a Committee of Inquiry. But they were told, that before this was done, they must have a special clause to meet the case of the tenant-farmers. If the Committee were to agree to such a clause, which however would be a most injurious precedent, and lead to inextricable confusion, what would be more reasonable than that those connected with trade and manufactures should put forward a claim for similar indulgences? It would be said, that in 1847–48 many traders and manufacturers were losers in their business, and yet they were obliged to pay on the three years for which they had made their returns, though for two years out of the three they had been losers. It would be most unfair to have a special clause for one portion of the community, and not for another; and he hoped, therefore, the Committee would not take such a course, but allow the Government—though not for their convenience, as the hon. Baronet had alleged—to renew the income tax for one year, and appoint a Committee of Inquiry. As to the Official Salaries Committee, he had stated some time ago that on going into the first Committee of Supply, he would point out the course which he wished to take with reference to the Report of that Committee. He held in his hand that Report, and he proposed, in the course of the evening, on the Motion for going into Committee of Supply, to state what course he intended to take regarding it.

Sir JOHN TROLLOPE begged to explain that his vote on the Motion of the hon. Member for Montrose (Mr. Hume) was given to substitute one year for three. He (Sir John Trollope) had nothing to do with proposing a Committee, nor did he or hon. Members with whom he acted assent to such a proposition in any way whatever. The noble Lord (Lord John Russell) had on a previous occasion taunted hon. Members on his (Sir John Trollope's) side of the House with not marching in time, and with firing off their muskets without orders; but he thought the noble Lord would be convinced by that time, that on the occasion of the Motion of the hon. Member for Montrose they had marched in pretty fair time, and that their muskets had something more in them than blank cartridge.

Mr. DISRAELI considered the noble Lord (Lord John Russell) was under a misconception when he supposed that those on his (Mr. Disraeli's) side of the House had voted for the Motion of referring the income tax to a Committee. He understood the proposition for a Committee to inquire into the property tax as wholly a Government proposition; and if it was not so, he was labouring under a complete mistake. He knew of no Motion that was ever made in the House for a Committee; and if it had been made, he should probably have taken a different part from what he did. He had received no intimation of the Government Motion for a Committee until he heard it proposed by the noble Lord that night; and he must say, he was himself very incredulous of the fact when it was first mentioned. He said the Government was not likely to propose a Committee. There was the Kaffir Committee; and he thought there would be some difficulty in manning a Committee on the Property Tax. With regard to the Motion of the hon. Member for North Warwickshire (Mr. Spooner), it was virtually embodied in the proposition of the hon. and gallant Colonel (Colonel Sibthorp), and he thought it would perhaps be the better course to withdraw it in favour of that of the gallant Colonel. Then he would suggest to the noble Lord, that inasmuch as he had come down to make an unusual proposition, which had not been very favourably received, he should move that the Chairman report progress and ask leave to sit again, so as to enable his (Mr. Disraeli's) hon. and gallant Friend (Colonel Sibthorp) to bring forward his proposition; and then, too, the noble Lord could inform them as to what further business he proposed to proceed with that night.

Lord JOHN RUSSELL said, the hon. Gentleman (Mr. Disraeli) had taken pains to assure the Committee more than once that he (Lord John Russell) was entirely mistaken in the supposition that the hon. Gentleman had taken a different view from the hon. Member for Montrose upon his Motion; and that he was in error in supposing that the proposition of the hon. Member for Montrose was inconsistent with the view in which it was held by the hon. Gentleman the Member for Buckinghamshire. Now, it was in the recollection of the Committee if what he stated was not the case; and it was a point which they could ascertain not only from the lips of the hon. Member for Montrose (Mr. Hume), but also from his recorded Motion. The hon. Member (Mr. Disraeli) said this was a Government proposition. Now, the Motion of the hon. Member for Montrose was—though of course he could not make the whole Motion in Committee—the terms of the Motion were, "to limit the duration of the tax to one year, with a view to institute an inquiry by a Select Committee into the mode of assessing and collecting the tax." The hon. Gentleman (Mr. Disraeli) having repeatedly declared that he took the same view as the hon. Member for Montrose, he (Lord John Russell) could only suppose that the hon. Member likewise wished to support the Motion for inquiry by a Committee. He put it to the Committee whether the Motion put by the hon. Member for Montrose, and as explained by that hon. Member, was not the one assented to by the House? And when the hon. Member for Buckinghamshire asked him, on the ground that the appointment of the Committee was a Government proposition, to move that the Chairman report progress, he could not assent to that proposal. Having acceded to the wishes of the House—a course which he had not adopted without very great consideration and deliberation with his Colleagues, he was not prepared to assent to any step—which would be a deviation from the line which the House had pointed out.

Mr. DISRAELI said, that so far was the proposition of the hon. Member for Montrose from being put to the House in the terms stated by the noble Lord, that he found this Motion was in the business paper for that very evening:—

> "Mr. Hume.—To move to limit the duration of the tax to one year, with the view of instituting an inquiry by a Select Committee into the mode of assessing and collecting the tax; and whether the injustice of levying the same rate of charge upon terminable as upon perpetual annuities, and upon fluctuating and varying incomes from trades and professions, as upon fixed incomes from real property, cannot be greatly modified or altogether removed."

This showed the Motion was not yet made. And what was more, the hon. Member for Montrose had never read a Resolution, and had never referred to it. But he excused the noble Lord, as no doubt after what had occurred the noble Lord was under excited feelings. But what he rose for was, for the purpose of saying that the proposition of the hon. and gallant Member for Lincoln (Colonel Sibthorp) was a fair proposition; and he would suggest to the hon. Member for North Warwickshire (Mr. Spooner) not to press his Motion for the present, so that on bringing up the report the hon. and gallant Member for Lincoln might bring forward what he had to submit to the House as a substantive Motion.

Mr. HUME said, as a witness in this case, he hoped he might be allowed to repeat what he distinctly stated when he brought forward his Motion. He said, let no hon. Member vote with him on any other supposition than this—that if he carried his Motion for limiting the duration of the tax to one year, he would then move for the appointment of a Committee. Those were his words; and he would ask if it was fair to misrepresent his intention, as he had stated it very clearly on bringing forward his Motion? It was quite true he did not in terms move the appointment of a Committee, but he came down that night with the intention of doing so.

Mr. NEWDEGATE said, he must confess that he had understood the Motion of the hon. Member for Montrose as the hon. Gentleman had stated it. He (Mr. Newdegate) rose, however, to call the attention of the right hon. Chancellor of the Exchequer to the circumstance which constituted the case of the tenant-farmers a perfect exception to every other. The right hon. Gentleman in his first Budget proposed a specific mode of relief for the sufferings of that class, namely, the remission of some 30,000*l.* a year on seeds, and the transfer of some 150,000*l.* from the local rates to the Consolidated Fund. But the right hon. Gentleman had withdrawn that proposal. On the ground, therefore, that there was an admission on the part of the Government of the propriety of giving a specific relief from taxation to the agriculturists in the first Budget, and also on the ground of their being deprived of the power of appeal, he (Mr. Newdegate) thought hon. Members on his side of the House ought at once to demand, on behalf of the tenant-farmers, relief from a pressure which, under their present circumstances, was exceedingly grievous to them.

Mr. SPOONER said, in deference to his Friends he would not press his proposition at that time, as he thought it would be dealt with in the Motion of the hon. and gallant Member for Lincoln (Colonel Sibthorp).

Captain HARRIS protested against the proposed reference of so important a question to a Select Committee. He believed that a large portion of the Members on both sides of the House had no idea of such a step being likely to follow the vote which they gave on Friday, in favour of the Amendment of the hon. Member for Montrose. He (Capt. Harris) looked upon the appointment of a Select Committee on this question as a step towards making the tax perpetual. Nothing could be more mischievous than the reference to Select Committees of such important questions as these. Whenever the Government desired to get rid of a heavy responsibility on important matters, they moved, whenever possible, the appointment of a Select Committee. That was the course taken with reference to the Kaffir war, and, above all, to our colonial dependencies—a step that, in the latter case especially, the House ought not to have permitted to have been taken. He held that such a tax as this was wholly unjustifiable in time of peace.

Colonel SIBTHORP said, in deference to the advice of hon. Members on his side of the House, he should reserve his Motion until the bringing up of the Report of the Committee.

Sir BENJAMIN HALL said, the hon. Gentlemen on the Opposition benches should recollect that although some hon. Members might have voted with the hon. Member for Montrose (Mr. Hume) with the views entertained by the hon. Member for Buckinghamshire (Mr. Disraeli), yet they must recollect the majority of hon. Members on the Government side of the House, who voted with the hon. Member for Montrose, voted in favour of his Amendment, for the purpose of obtaining the appointment of a Select Committee. Complaint was made by hon. Gentlemen opposite about the sufferings of tenant-farmers; but were there no tenant tradesmen, if he might so speak, who were suffering as well as they? He should determinedly resist any attempt on the part of hon. Gentlemen opposite to dictate to the Select Committee about to be appointed what particular class of sufferers they should most particularly take under their protection.

Mr. GEORGE SANDARS said: I beg to differ from the hon. Gentleman who has just sat down (Capt. Harris), for I distinctly understood that in voting for the Motion of the hon. Gentleman the Member for Montrose, I was voting for the income tax for one year, in order that it might be referred to a Select Committee to examine into its inequalities and injustice, and to report to the House the best way of modifying them, that if it is to be made a permanent tax, that it may be placed upon a fair and solid basis, and made as palatable as a tax of this kind can in its nature be. On its present principle it is impossible it can remain a permanent tax. All classes are dissatisfied. Schedule A are charged on the gross rental, when one-third is deducted on houses and warehouses, &c., for insurance, local taxes, and repairs. Schedule B complain they are made to pay for profits, when of late years they have had nothing but losses. Schedule D complain that they pay the same rate on uncertain incomes from trade or profession, as those who have real property. I presented the other day a petition from my constituents, signed by, I believe, every lawyer and every medical man in the borough (and I assure the House they are not a few), complaining of the injustice of taxing them at the same rate as those possessing real property, and praying for a modification of the tax. By supporting the Motion of the hon. Gentleman, I feel that I am taking the surest method of having those inequalities remedied; that is, if they admit of a remedy, and if not, the country will be better satisfied after it has been sifted and reported upon to the House; and I think, Sir, it should now be sent, with all its faults upon its head, without any partial attempts to modify it, to a Select Committee of the House.

MR. FRESHFIELD could answer in the affirmative the query of the hon. Baronet the Member for Marylebone (Sir Benjamin Hall) as to the tenant tradesmen. Many of that class were certainly suffering—and from what cause?—why, from the effects of free trade. But there was this difference between the case of the tenant-farmer and the tradesman—the latter paid income tax only on the actual amount of his income; whereas the tenant-farmer was obliged to pay the tax in proportion to the rent he paid, whether high or low, and no matter what might be the amount of his profits—no matter, indeed, whether he sustained an actual loss. He felt bound to support any proposition of relief to the farmers, whose case at present was almost hopeless.

MR. W. WILLIAMS wished to know from the right hon. Chancellor of the Exchequer if it would be in the province of the Select Committee to inquire whether it was expedient to extend the tax to Ireland? A few nights ago he (Mr. W. Williams) called the attention of the House to the fact that the salaries of the public officers in Ireland, from the Lord Lieutenant to the humblest official, were not liable to the income tax, which he thought inequitable.

The CHANCELLOR OF THE EXCHEQUER said, the question just put to him by the hon. Member for Lambeth, was one entirely for the decision of that House, and not of a Select Committee. He apprehended that the object of the Select Committee to be appointed, with reference to the Amendment of the hon. Member for Montrose (Mr. Hume) would be to consider what modifications ought to be made, and the mode of collecting the tax.

SIR BENJAMIN HALL said, he was constantly asked by Irish Members when he intended to bring on his Motion with reference to the extension of the income tax to Ireland. Now, that would depend entirely on the day when the Committee of Ways and Means would be moved for. He should be happy to bring on his Motion on any day that his right hon. Friend the Chancellor of the Exchequer might name.

The CHANCELLOR OF THE EXCHEQUER should certainly resist the Motion of the hon. Baronet whenever he might bring it forward. As the income tax was, by the Amendment of the hon. Member for Montrose, to last but for one year, he thought it would be a mere waste of time to discuss the question whether, during so limited a period, its operation ought to be extended to Ireland.

SIR BENJAMIN HALL said, if his right hon. Friend would give him an assurance that the income tax would continue for no longer than the present year, he should very willingly abandon all idea of bringing forward his Motion. But as nothing of that nature had been suggested, he should certainly take an opportunity of taking the sense of the House upon his Motion. He, therefore, wished to ask his right hon. Friend whether he would be good enough to name a day on which it would best suit him to take the Motion into consideration?

The CHANCELLOR OF THE EXCHEQUER said, he must decline to undertake a Committee of Ways and Means, merely for the sake of giving the hon. Baronet an opportunity of bringing forward such a Motion.

Clause 1, as amended, agreed to.

Clause 2.

MR. CHAPLIN moved a proviso to the effect that, with a view to a just relief of the occupiers of farms chargeable to the duties under Schedule B, the same privileges of exemption from duty be granted to all persons chargeable under that schedule as are by the 133d and following sections of the present Property Tax Act secured to the persons made liable to duties by Schedule D of the same Act in respect of the profits of trade, &c., in the events set forth in the beforementioned section, 133.

MR. SPOONER said, that the proviso would be rendered unnecessary if the Amendments intended to be proposed by the hon. and gallant Member for Lincoln (Colonel Sibthorp) should be adopted; and as that hon. and gallant Member had postponed his Motion to the bringing up of the Report, he would suggest to the hon. Member for Salisbury (Mr. Chaplin) that he also should do the same.

LORD JOHN RUSSELL concurred in the propriety of the course suggested by the hon. Member for North Warwickshire. If the question in a larger shape was to be brought forward on the bringing up of the Report, it would be very unwise to press it now.

MR. HENLEY trusted that the hon. Gentleman would not press the proviso at the present time. It would be impossible to carry it, and it would be much better to bring the matter in a more special way before the House. If the hon. Gentleman persevered, it would be a breach of faith, after the understanding which had been come to with the hon. Member for North Warwickshire (Mr. Spooner).

Captain HARRIS said, if the Motion was then pressed to a division, it was clear the sense of the Committee would not be expressed, as a great many Members on that side (the Protectionist) had gone out.

Mr. BANKES said, the hon. Member for Salisbury (Mr. Chaplin) would damage the cause he meant to promote by pressing his Motion then to a division.

Mr. CHAPLIN said, he had had the notice on the paper for a week; and on Friday he had waited from five till half-past twelve, in expectation of being able to bring it forward. On the suggestion of the hon. Member for North Warwickshire (Mr. Spooner), he had got his solicitor to draw the clause, and should now propose it. He would not be a party to postponing it. If hon. Members chose to leave the House, he was not to blame.

Mr. SPOONER said, he should, therefore, move as an Amendment that the Chairman report progress, and ask leave to sit again.

Lord JOHN RUSSELL said, there seemed to be a most extraordinary misapprehension on the part of hon. Members opposite. They seemed very much embarrassed with the victory they had gotten, and did not know what to make of the Motion of the hon. Member for Montrose (Mr. Hume). As the Government had agreed to the inquiry, he should object to any alteration in the provisions of the Income Tax Act, either then or on the bringing up of the Report. He had done all he could to induce the hon. Member for Salisbury not to press his Motion; it was not his (Lord John Russell's) fault if he did so.

Mr. BUCK said, the hon. Member for Salisbury must know that he had not a chance of carrying his Motion in the then state of the Committee.

Mr. AGLIONBY said, it was not the practice of hon. Members on that side the House, to place their principles and their conscience in the hands of their party. He was satisfied from long experience of the inconvenience and danger of what were called "understandings" between individual Members; they generally implicated other parties, whom they could not bind. But it was a clear understanding of the House, on Friday night, that the carrying the Motion of the hon. Member for Montrose should put an end to all further questions, as far as the House was concerned, the same being referred to the Select Committee. He held himself bound by this understanding, and would have no exception made to the extent of the Committee's inquiries. By opposing the discussion of these Amendments now, he he would not be understood to express an opinion against the Amendments themselves. Should they now discuss the question, a great many points must be considered. Were hon. Gentlemen opposite prepared to place the farming interest on the same footing, in every respect, as the interests embraced in other schedules!—["Hear, hear!" *and* "Yes!"]—what, to tax them, for instance, at *7d.* in the pound instead of *3d.*, as at present? If so, let them go before the Committee and raise all these points. He maintained that they were bound by the understanding of Friday evening.

Mr. CHRISTOPHER denied that there had been any such understanding. As the vote of Friday night had altered the whole complexion of the question, it would be better if the hon. Member for Salisbury (Mr. Chaplin) would defer his Motion until the subject could be maturely considered, and bring it forward on the Report. The result of pressing the Motion now would only be to give them two discussions instead of one, and impede the public business.

Lord JOHN RUSSELL said, as far as his opinion went, he was desirous that the proviso should be withdrawn.

Mr. CHAPLIN said, under these circumstances he would consent to this course, and withdraw the proviso.

Proviso, by leave, withdrawn.

Clause agreed to;—as were Clauses 3 and 4.

Mr. J. B. SMITH moved the addition of the following clauses:—"That all appointments to any offices authorised to be made by Local Commissioners of Property Tax shall be subject to revision by the Lords Commissioners of Her Majesty's Treasury. That no appointment to any office under the provisions of this Act shall be made of persons under twenty-one years of age." He had understood that on application to the Treasury in a certain case, the answer had been that they had no power over the local commissioners. In answer to an application from the town council of Dunfermline, where a boy of fifteen years had been appointed by the local commissioners, the Lords of the Treasury stated that they had no power in the matter; and the Board of Trade stated that they had made inquiry, and found that the duties of the office in question were well performed. He was certain, however, that the public would not be satisfied with such appointments.

The CHANCELLOR of the EXCHEQUER thought the clauses had better not be pressed, as the whole of these questions would doubtless come before the Select Committee. No doubt the House of Commons had been exceedingly jealous of these appointments, so much so that the Treasury had been prevented from having anything to do with the making of them. Whether it was desirable to change that system was a question for the decision of the Committee, in whose hands it ought to be left. He quite agreed that the appointment of boys to responsible offices was highly objectionable; but in the case alluded to it so happened that the boy had nothing particular to do but to deliver some papers, and any boy of his age could do that.

Mr. HUME said, that if the Select Committee were granted, he would take care that this case should be thoroughly investigated, for it was most important that public duties should be placed in the hands of responsible parties.

Clauses, by leave, withdrawn.

Other clauses agreed to;—House resumed:—Committee *reported*, as amended to be considered *To-morrow*.

OFFICIAL SALARIES.

Lord JOHN RUSSELL: Sir, I mentioned a few evenings ago that previous to the House going into Committee of Supply, I would state the view which the Government have taken of the report of the Committee on Official Salaries. I may name one advantage which was gained by the appointment of the Committee, and that was, that an opportunity was afforded for placing on record the opinions of many persons of official experience of various kinds—political, judicial, legal, and diplomatic—with regard to the salaries and emoluments belonging to the officials under consideration. Above all, we had an opportunity of learning the opinion of the late Sir Robert Peel—with his long experience and comprehensive mind—upon the subject of salaries to official persons. There is this, on the other hand, to be stated, that this Committee did, I think—I will not say fall into the error—but they pursued a practice which unluckily is too often pursued by the Select Committees of this House, namely, the practice of employing a great part of the Session in taking evidence; and then they come to pass Resolutions at a time when a considerable proportion of the Members have left town, and, worn out by the public business they have been engaged in, are not able to attend; so that it often happens, out of the fifteen Members who have been appointed on the Committee, and who ought to be present, the final Resolutions are in several cases voted by eight or nine Members—sometimes five or six forming a majority of those present, though evidently a minority of the whole Committee. This is the course which Select Committees generally follow. I wish it could be otherwise—either by the Committee taking care that the evidence shall not run into too great a length, or, provided that the evidence is continued to the end of the Session, that then they should postpone the consideration of their Report till their reappointment in another Session. Having noticed these two circumstances with regard to the Committee on Official Salaries, I shall now state the opinion which the Government entertain with regard to their recommendations. It was the desire of the Government to defer as much as possible to the expressed wishes of the Committee; and, therefore, they had agreed to some proposed reductions, which, nevertheless, did not seem to them to be conducive to public advantage, though, on the other hand, they would not be attended with any great public detriment. The first recommendation of the Committee, after stating that they did not propose any alteration in the salaries of the First Lord of the Treasury, the Chancellor of the Exchequer, the three Secretaries of State, and the First Lord of the Admiralty, go on to recommend that the Junior Lords of the Treasury should have 1,000*l.* instead of 1,200*l.* a year, that the two Secretaries of the Treasury should have 2,000*l.* instead of 2,500*l.* a year. With these recommendations the Government agree, and they have made the reductions accordingly. With regard to the office of the President of the Council, the Committee remark that that office has recently had annexed to it duties of very great importance belonging to the President of the Committee of Council on the subject of Education, and therefore they do not think that the salary of 2,000*l.* to a person holding that high office should be reduced. The Committee recommend that the railway system of the country being now so near completion, the duties may again be annexed to the Board of Trade; and they recommend that, in order to save the salary of the Railway Commissioner, steps should be taken to consolidate the railway department of the Board of Trade. My right hon. Friend the President of that Board, looking to the business now before the Railway Commission, has come to the conclusion that the business may be done in the manner the Committee has recommended; and therefore the Railway Commission will no longer be a separate paid office belonging to that department. The Committee then proceeded to recommend that the office of Vice-President of the Board of Trade should be united with that of Paymaster of the Forces, and that instead of the present salary of 2,000*l.* for each office, the salary for the joint-office should be 1,500*l.* The Committee likewise recommended that the office of Lord Privy Seal should be joined with some other office, and that no salary should be attached to the office of Lord Privy Seal. Another recommendation of the Committee was that the Mastership of the Mint should no longer be a political office. Now, in considering these questions, we have endeavoured to go as far as we think the requisitions of the public service would permit in compliance with the recommendation of the Committee. But I think there was an important consideration which was laid before the Committee and Sir Robert Peel, and other persons who had great experience in public affairs, and to which the Committee do not seem to have paid any attention in their recommendation. It appears to me to be of advantage, as a general proposition, that there should be some Members of the Government whose offices are not of so laborious a nature as to unfit them for the discharge of duties which do not come immediately within their department. It must be obvious to every man of experience in public affairs, that from day to day questions arise which do not strictly belong to any department in the Government, and which, if they are not attended to by some persons who are not overloaded with duties in their own department, have little chance of being properly attended to at all. If this be true as a general proposition, and with regard to former periods of our history, it is peculiarly true at the present time, when we find that the offices of Secretary of State, of Chancellor of the Exchequer, and of First Lord of the Admiralty, as well as the office which I have the honour to hold, are so much more loaded with business than they have been in former times. The quantity of writing and of correspondence, as well as the increase of business of various kinds, is such that it is difficult for persons holding these offices to discharge their duties, if there were not officers of other departments ready to attend to business which did not come immediately before them. Ministers have frequently to consider and decide upon important questions, which do not belong particularly to any department, such as the preparation of the Reform Bill; and with regard to the regulation of marriages and baptisms among Dissenters, which came under my consideration while I was Paymaster of the Forces—I say, if there were not some officer of the Government to attend to these things, it would hardly be possible for them to receive sufficient attention. But the preparation of these affairs being referred to an officer who has leisure to bestow attention upon them, they are then brought under the consideration of the Cabinet; and the Members of the Cabinet, the Secretaries of State, and others, when they are so prepared, are qualified to give a mature and decided opinion upon them. Such are some of the reasons for not entirely abolishing these offices, which are important in themselves, though they may have little labour attached to them. Another reason for continuing these offices is, that very frequently when a Government is formed, and perhaps while it has continued in office, there may be persons who have paid great attention to public affairs—who have served important offices in other circumstances—who are willing to come into office, but who have arrived at a time of life, or are in a state of health which must preclude them, if they are prudent, from accepting an office which is of much labour. At the same time, their opinions may be of the greatest weight—their services of the utmost value to the country. It may be said that we can secure the assistance of persons of this class, by giving them a nominal office, such as that of the Lord Privy Seal, without any salary. Now this might very well be the case with regard to persons of considerable fortune, who have an establishment in London, and pass several months of every year in London—such a person might accept an office of rank without receiving any salary. But I think it would be a bad principle to establish in the public service of the country. It has, I know, the authority of the late Earl of Durham, who stated that, though the duties of his office as Lord Privy Seal engaged him for seven or eight hours a day, still he was of opinion that the duties of the office might be performed by the holder without a salary. The tendency of such a change, if agreed to, and the tendency of any change which would reduce the salaries of the offices of the country without abolishing them, would be to make the holding of office only attainable by, and compatible with, the possession of a considerable fortune. I hold that that would be a great evil. If you say that persons of a moderate fortune are not able to hold offices in the State, but that they are to be given only to men who have a considerable private fortune, you thereby throw impediments in the way of talent—you throw impediments in the way of men of the highest ability—men, perhaps, of the greatest power either in this or in the other House of Parliament, but who cannot afford to hold office without a salary. I think, therefore, it would be extremely mischievous to the public service to give such advantages to fortune as would be given by throwing these impediments in the way of men of talent and ability. There is another consideration which I think is of considerable weight, though I do not know that it has been before adverted to. Let a man look at the course of official life in this country—he will perceive that offices in the Cabinet have been held by men of other pursuits, who have entered into political life from a natural wish to take part in the service of their country, but who generally live in the country, and enjoy their property there, in the pursuit of other sources of amusement and enjoyment than politics. Among men of this kind, I may mention one who first held the office of Lord Privy Seal, and afterwards that of President of the Council, in the Administration of the late Sir Robert Peel—I mean the Duke of Buccleuch, a man of great fortune, and of ability that would enable him to hold any public office, but who could hardly be expected to leave entirely his duties and enjoyments in the country, to devote his time unremittingly to some laborious office in the State. I think it is of great advantage to invite to official life men not strictly of official habits, and that if we were to have, as they have on the Continent, a class of men who are devoted to office, and to office alone, who are termed bureaucrats—who do not follow those pursuits which induce them to mingle with other classes of their fellow-citizens—it would be an alteration for the worse in the management of the business of this country. I remember the observation of a French writer, a gentleman of considerable eminence in the legal department of France—he was struck on going to the Gloucester Assizes, when he saw the Marquess of Worcester (the present Duke of Beaufort) acting as foreman of the grand jury—when he saw gentlemen of property, and rank, and influence, forming the members of the grand jury—when he found the farmers and yeomen of the country sitting on the petty jury—and a person of great professional eminence in the law as Judge presiding in the court—he was struck with the manner in which the administration of the affairs of this country bring together men of different stations and employments, all serving in one public end. The public end in this case was the administration of justice; and so in the administration of political affairs there ought to be, as far as possible, a representation of different ranks, a mixture of men who do not devote themselves solely to the writing and folding of despatches, but who engage in other occupations. Therefore, on these various considerations, we so far agree with the Committee, that I propose to separate, what has not been done for a long time, the Mastership of the Mint altogether from public life; and I have received Her Majesty's permission to offer that office to Sir John Herschell, as I thought it would be agreeable to him to fill an office that was in some way connected with science, and which had once been filled by the honoured name of Newton. Therefore this office will no longer be, as it has been of late days, either a separate office, as it was held by Mr. Tierney and others, or in combination with that of the President or the Vice-President of the Board of Trade, as it has lately been held by Mr. Gladstone, Mr. Labouchere, and others. The office of Paymaster of the Forces, though it has been united to the office of Vice-President of the Board of Trade for the last two years, yet when it was a separate office it was an office of great emolument, as well as of considerable importance, and was held by Lord Chatham and the first Lord Holland. I propose to continue the office of Paymaster of the Forces in conjunction with the office of Vice-President of the Board of Trade; but I do not think, if the two are to be combined, that it would be expedient to adopt the suggestion of the Committee, and to make a diminution of 500*l.* in the salary. The office is one of political importance, especially as the convenient course is, if the President of the Board of Trade sits in this House, that the Vice-President should sit in the other House of Parliament, and thus not only be able to perform his official duties, but that in the House of Lords he should take charge of all questions connected with the important subject of trade. Therefore we propose to continue the present salary of 2,000*l.* to this office. After what I have said, the House will doubtless be prepared to hear that we do not propose to abolish the office of Lord Privy Seal. The office is one of considerable importance, and the Government are of opinion that it ought to continue. I come next to the office of Secretary at War, with regard to which no proposition has been made by the Committee, and therefore I need not allude to it further. The Committee recommend that the salary of the Judge Advocate should be 1,500*l.* instead of 2,000*l.*, which they propose to take effect the next time the office is vacant, and therefore we do not think it necessary to decide upon the question till the next appointment to that office. The Committee next recommend that the salaries of the Junior Lords of the Admiralty should be 1,000*l.* instead of 1,200*l.*, and that those Lords who have 1,000*l.* with a residence should be deprived of their residence. We are of opinion that it is a great convenience to the Admiralty department that certain of the Lords should have a residence in the Admiralty; and therefore, while we propose to reduce the salaries of those who have no residence to 1,000*l.*, we would continue the residences to those who have them. With regard to the Secretary for Ireland, his present salary is 5,500*l.*, which the Committee recommend should be reduced to 3,000*l.* on the next vacancy, or at the close of the present Session of Parliament. That question is closely connected with the abolition of the office of Lord Lieutenant of Ireland. If it be abolished, there will of course be a totally different distribution of offices, and therefore it is not necessary to go into the question now, though I may say that, if the office of Lord Lieutenant is to be maintained, it is right that some reduction should be made in the present salary. With regard to the Secretary of the Poor Law Board, the Committee recommend that the duties should be performed for 1,000*l.*, instead of for 1,500*l.* The one Secretary who is not Parliamentary would not come properly under the consideration of the Committee; and the Government are of opinion with regard to that office, that as it is desirable to have in a permanent office a person who will devote all his time and all his labour to the duties of the Poor Law Board, it is not desirable to reduce his salary. But with regard to the Parliamentary Secretary, who holds his office during pleasure, we have reduced his salary to 1,000*l.* With regard to judicial salaries, there are other considerations of very great weight, to which I think the House will pay attention. We consider that persons who are placed in the highest judicial offices should be, as they have hitherto been, persons of great legal reputation, and who stand foremost at the bar. I speak now of the offices of Lord Chancellor, of the Chief Justices, of the Master of the Rolls, and of offices of that description. It was argued in the Committee—and you will find, from the evidence, that many questions were put having that object in view—that there might be persons of sound judgment and of competent learning who are as fit to be placed in the highest offices as those who stand foremost at the Bar. No doubt there may certainly be scores of men of that description. But I do not think it desirable that, as a rule, the ancient practice of promoting to high offices men of eminent standing should be departed from. If you say that the Government of the day are to choose such men, that would be giving them a wide discretion, and there would be much more room for unfit appointments than when they are taken from amongst men whom everybody allows to be fit—men who have run the race, the arduous race, of legal competition, and who have been successful in the struggle. It is evident that those must be men of considerable talent who, in a profession where competition abounds in every department, have been universally acknowledged to be foremost. Besides, in looking to the men who have been promoted, who have been successful Attorneys General, and who have gained eminence at the Bar—men like Lord Hardwicke, or Lord Campbell, or Lord Eldon, or Lord Mansfield, and many others that might be named—it will not be found that the country has been a loser by the practice of choosing men who were eminent in their times. But if the most eminent men of the time are chosen for these situations, we cannot expect to obtain their services unless their salaries be made somewhat commensurate with their gains at the Bar, and such as will induce them them to leave the Bar for a judicial appointment. Likewise, it is necessary we must consider with regard to such men that they are often placed in the House of Lords; and I think it would be a public misfortune if the salaries of these men and their retiring allowances only enabled them to found families whose position would rather be a reproach to this country than otherwise. Looking at the evidence which was given by the Master of the Rolls, you will find that he has made a full investigation into this subject, and the result of his inquiry was that there are eight gentlemen who make 8,000*l.* a year, and that there are about twenty-three who make 5,000*l.* Taking all these considerations together, I propose that the salary of the Lord Chancellor, which is now 10,000*l.* from one source, and 4,000 from another, should in future be 10,000*l.* His retiring allowance I do not propose to alter. The salary of the Master of the Rolls has hitherto been 7,000*l.*; the Committee propose that it should be 6,000*l.* We propose to agree to that, and we accordingly intend reducing the salary of the Master of the Rolls to 6,000*l.* We come now to the Chief Justice of the Queen's Bench, and to the other two Chiefs; and it must be remembered that they, besides their other expenses, have to go circuits—the expense of which cannot be less than 700*l.* a year. I propose, therefore, that the salaries shall be the same as were contained in the Bill I introduced last year—that is to say, that the Chief Justice of the Queen's Bench should receive 8,000*l.*, the same as Lord Denman received; that the Chief Justice of the Common Pleas and the Chief Baron of the Exchequer should each have 7,000*l.* The proposal of the Committee is that the Chief Justice of the Queen's Bench should have only 7,000*l.*, that the other Chiefs should have 6,000*l.*, and that the Puisne Judges should have 5,000*l.* The Committee recommend that the Vice-Chancellor should have 5,000*l.*, the same as he has at present; that the Masters in Chancery should each have 2,000*l.*, and that the Accountant General should have 2,000*l.* It strikes me that the Accountant General should be paid by a fixed salary, and not, as now, by fees. But, considering the importance of the duties of Masters in Chancery, I think there ought not to be any change at present in the amount of the salaries, which will, therefore, remain at 2,500*l.* a year. At the same time, with regard to Masters in Chancery, the whole question of Chancery reform being under consideration, there may or may not be some changes, and for that reason I think there ought not to be any change in the salaries at the present time. Of course any changes that are made will not affect persons appointed before the commencement of last year, except those who accepted appointments subject to such an arrangement. The Committee recommend some changes in the salaries for Scotland and for Ireland, from which a small saving would accrue to the public; but we think it would not be at all expedient to make them. The observation which I am about to make applies to Scotland and to Ireland, but more especially to Ireland. Both in Edinburgh and Dublin, since the Union, among the chief persons at the head of society have been those of the profession of the law, and especially the Judges, and those who hold superior offices in the courts of justice. I think for that, among other reasons, it would not be desirable to detract from their means of keeping up that social rank which is expected more from them in those capitals than is expected in London, the capital of the whole country, to which persons of greater fortune resort, and where they do not fill so conspicuous a position. I state this with regard to Ireland particularly, because I know there has been a rumour, without any sort of authority, that it was the intention of the Government to change the provisions for the administration of the law in Ireland, either by reducing or transferring the courts of justice there. Such was never the intention of the Government; and I own, I consider it of the utmost importance that the courts of justice should be maintained in Ireland, and, without any excessive establishment, fully maintained for the purpose of administering justice locally in that part of the United Kingdom. The only other question is that of the diplomatic service, on which I would rather that my noble Friend the Secretary of State for Foreign Affairs should address you. I am sure he will be ready to give any explanation that may be required. For myself, I shall only state shortly what took place in the Committee as to the most important of those offices, and what the Government propose to do in respect to them. There was a question in the Committee with regard to the maintenance of an ambassador at Paris; and, as I understood from the Chairman of the Committee (I was not present at the time), it was decided by a majority of the Committee that it was expedient to maintain an ambassador at Paris. Afterwards some Members of the Committee stated, that they thought the salary ought to be reduced. Other Members were of opinion, that if the salary were reduced, it would be impossible to maintain the dignity suitable to an embassy, and that it would be better to reduce the embassy to the rank of a mission with a salary of 5,000*l.* for the envoy. In considering that matter, we were of opinion that it would be a very serious detriment to the diplomatic service, if we had no longer an ambassador at Paris. Considering our relations with that country, the daily intercourse which is necessary, the certain privileges belonging to an ambassador which do not belong to an envoy, and thereby very considerable advantages, we were of opinion that the difference of expense would be far more than counterbalanced by the importance, to the maintenance of friendly relations, of maintaining an ambassador at Paris. At the same time, we took into consideration whether some reductions might not be made, and we propose to make a reduction of 2,000*l.* a year, reducing to 8,000*l.* a year the salary of the ambassador. I am not certain, but that we shall find hereafter that the proper dignity of ambassador, and that hospitality which is so much expected, cannot be maintained as it has hitherto been maintained; and, looking the other day over some old letters, I found one from our ambassador at Paris in 1783, who said he could not maintain a proper and efficient position with less than 12,000*l.* a year. However, as the Committee have thought it desirable to practise economy, we shall propose that reduction, to commence from the beginning of the present financial year. Turkey is the only other Power to which we now send an ambassador; and our relations with Turkey are of such a nature, that the Government think it very desirable that the rank, joined with the influence, of an ambassador should be maintained. With respect to Vienna, we have made a change from an ambassador to an envoy extraordinary, and therefore we have now only two embassies, one at Paris and the other at Constantinople. The Committee recommended various other changes. They proposed that the missions to Hanover, Munich, Stutgard, and Dresden, should be united in some central point. The Government think, that at this present moment, when every Court in Germany is agitated with different interests and different views as to the organisation and future constitution of Germany, that it is not desirable by such a change to deprive them of the means of communication which they now possess through those missions. As to the mission to Florence, they admit that it may be united to some other mission. It was suggested in the Committee that it should be united with the mission to Turin; but that being thought objectionable, it was then suggested that it should be united with the mission, if that mission should take place, to Rome. We think it desirable, therefore, that the mission to Florence might be made the means of establishing diplomatic relations with Rome. It should be understood, that although the alterations made in the Diplomatic Relations Bill, passed three years ago, were such, that the Pope conceived offence was offered to him by that Act, and that he was placed in a different position to other Sovereigns, he said he should be ready at any time to receive a special mission from this country. Certain circumstances, to which I need not allude, have made such a special mission very undesirable; at the same time we must look to having relations in future with the Court of Rome, and the mission to Florence seems the most convenient mode of establishing those relations. I have now stated the proposals made by the Committee, and the manner in which Her Majesty's Government propose to act. We thought ourselves at full liberty to consider those recommendations, wherever they were in conformity with the interests of the public service, and to decide according to our views. Whether the House takes the proposals of the Committee, or the propositions of the Government, there will not be any large amount of saving to the public which will make any great difference in the public expenditure of the country. What is really desirable is, that there shall be no further expenditure in the political, judicial, and diplomatic services than is justified by the duties performed. On the other hand, it is a very unwise economy, which, for the sake of a few thousands a year, would cramp the public service, and prevent those conducting public affairs—be they who they may—from performing that service in the most efficient manner possible. In the service of a great empire like this, it is most desirable that there shall be an efficient performance of those great duties which fall upon those who form the Administration. I can assure the House, that in the different offices of the Government there is united an amount of labour and an amount of responsibility which requires the use of all the faculties of which a person may be possessed. Whatever may be thought of the times of recreation and relaxation, there are a very few hours, and certainly not many days in the course of the year, when a person holding a high official position is not affected with anxieties with respect to that position. Many important questions come before him for consideration; not only Bills and political questions (these only form a part of his duties and anxieties); but questions affecting foreign and colonial policy, of the utmost importance, and on which much depends, claim, at the same time, his attentive consideration: for instance, decisions may have been taken in the House, perhaps without debate—as the subjects might not be ripe for public attention—but yet at the same time those questions have occupied days and weeks of anxious consideration with the Ministers. I do not know that any person holding public office has any great interest in asking for extravagant salary; but I am sure it is the interest of the House to see that public services are adequately remunerated, and that the path to the highest office is not subservient to the amount of fortune, but that the salary is adequate to the service performed for that salary, for it is not a question of salary, but a question of service, which ought to be considered.

MR. URQUHART said, he recollected that upon an occasion which occurred shortly after he took his seat in that House, the noble Lord (Lord John Russell) stated that when first he was introduced into public life, the duty of the Government was entirely and exclusively confined to the conducting the business of the various departments, while legislation was left to that class denominated independent Members; and the noble Lord then alluded to the great increase of duties and the great additional burdens on the Members of the Government in consequence of that change. The change appeared to be very unfortunate, and he (Mr. Urquhart) thought the Government had better return to their former administrative duties, and remit the task, and trouble, and care of proposing legislative measures. On a very recent occasion the Government would not have been exposed to embarrassment, danger, and annoyance, nor the character of the noble Lord to the deterioration which it must have suffered, had that ancient rule been maintained. He was, therefore, glad that the office of Master of the Mint had been deprived of its political character. Upon the same ground, he thought it would have been better if the office of Privy Seal, in its political sense, had been dispensed with, since it was only to be retained to enable the Government to overcharge itself with duties. The whole value of the Committee on Official Salaries consisted in the latter part of their recommendations. Whilst the reductions suggested in the civil and judicial offices were not more than 6,000*l*, or 7,000*l*., those in the diplomatic service were somewhere between 60,000*l*. and 70,000*l*. The Report had dealt a great and heavy blow on the Foreign Department; and he therefore looked upon the labours of that Committee as of great importance. The noble Lord at the head of the Government had said that he could not consent to the union of the German missions. In reply to a question which he (Mr. Urquhart) had put, the noble Lord the Secretary of State for Foreign Affairs had recently said we did not wish to interfere with the affairs of Germany; that the 40,000,000 people there would take care of themselves, and could not fail to obtain free and independent institutions. Since we had no business to interfere with the German States, the only reason for retaining those missions must be the obtaining information; and he imagined the public newspapers were much more ready, and really much more correct, sources of information than any that could arise from dinners, however expensive the fare or excellent the cooks. If the notion that the peace of nations was to be preserved, because of diplomatic good will and harmony, which depended on the expenditure of certain sums annually, had not been exploded by common sense, it was contradicted by the present condition of Europe, which he described as having fallen into a state of confusion and of chaos, if not of positive hostility and positive war. He deplored the conclusion to which the noble Lord (Lord John Russell) had come in not accepting the recommendations of the Committee for the reduction of the diplomatic establishments; but as he had a Motion on the subject which he should bring forward on a future occasion, he should content himself with asking whether it was not his intention to appoint a Committee on the Consular establishments; and if he were answered in the affirmative, having before been answered in the negative, he should take occasion to move an Instruction to that Committee that they should examine into the facts of some particular country, ascertain for a series of years the action of England, and determine whether it had been productive of good-will and harmony, and thereby worth the expense of maintaining it. With respect to Turkey, which was quoted as the country where, above all, the presence of an ambassador was requisite, he was prepared to show that no country had suffered more from our interference; in proof of which he instanced the Hungarian refugees, who were, according to the last advices, to be further detained. That instance proved the utter inutility of our diplomatic service in supporting the rights of nations; but it was not a special instance: inutility was a normal and universal characteristic of that Office, except where objects the reverse of right were to be obtained. He considered, therefore, the recommendation of the Committee as an important step to deliver the country from an incubus of expenditure, and from the shame and infamy which were consequently brought upon the British name.

Mr. FREWEN begged to ask a question relating to a notice he had given. He had had a Motion on the paper since the 28th of March respecting the distress of the county which he had the honour to represent; and he wished to know if he could not on this occasion, before the House went into Committee of Supply, obtain precedence of Motions, notice of which had been given by the hon. Members for Montrose and Chippenham, specially relating to the Navy Estimates?

Mr. SPEAKER said, that both the hon. Members named would have precedence of the hon. Member for Kent, on the ground that the Motions of which they had given notice specially referred to the Navy Estimates.

Mr. DEEDES trusted the House would permit him to occupy their time for a few minutes, while he explained the reason why his name did not appear on the Minutes of the Committee on Official Salaries, when they came to consideration of their Resolutions. He was asked, in the first instance, to form part of the Committee, but stated that he was already occupied on the County Rates Committee, but that he would be very happy to give his assistance, provided it were not required on the days on which the County Rates Committee sat. He was fortunate enough to be able to attend for some time, but subsequently found it utterly impossible in any satisfactory manner to discharge the duties of both Committees, and requested that his name might be removed from the Committee in question. This, however, was not done. He was subsequently compelled to leave town, and, on his return, was asked to attend and vote; but having been absent for some days, he felt he should not properly discharge his duty if he had voted for Resolutions without having heard the evidence on which they were founded.

Mr. W. WILLIAMS wished to ask whether the noble Lord at the head of the Government would have any objection to lay on the table a return of all the items recommended for reduction by the Official Salaries Committee, specifying those with which the Government concurred, and those to which they objected. It seemed to him that the noble Lord's statement would not be satisfactory to the House or the country; and the Committee, in having nearly one-half of their recommendations rejected, were ill requited for their labours.

Mr. COBDEN presumed that it was not the intention of the Government to take a discussion that night; and as he believed no Members of the Committee, with the exception of the Member for West Surrey (Mr. H. Drummond) and himself, were then present, it would, perhaps, be better to reserve all comment on the statement made by the noble Lord until some other occasion. One or two words, however, he might offer at once. He must say that he was greatly disappointed that so large a proportion of the recommendations of the Committee had been rejected. In respect especially to the diplomatic branch of the service of the country, he had looked for great reductions. It was generally felt by the House, that unless reductions took place in this direction, it was useless to hope for them in regard to the civil service; and he thought that the statement of the noble Lord at the head of the Government was directly in the face of the evidence taken before the Committee. The noble Lord laid down that a great advantage arose from having an ambassador, with a high salary, at Paris. Now it was usually considered that an ambassador was a person representing one Sovereign at the court of another Sovereign. To the Government of a Republic was it proper to appoint an ambassador? Another reason which did not exist when the Committee made its recommendation, was, that the President of the French Republic, by a recent vote of the Chamber, would receive, in future, a much less salary. He (Mr. Cobden) presumed the sales of studs of horses and carriages, and the greater simplicity with which the President of the French Republic now appeared in the streets, bespoke a greater simplicity and economy in the Government of France; and we ought to conform in our diplomatic relations to that improved system of government. He (Mr. Cobden) could never gather from the witnesses examined by the Committee what were the real advantages derived from the rank and expense of an ambassador, either at Paris or at Constantinople. The noble Lord (Lord John Russell) expected that we would have influence at Constantinople in consequence of having an ambassador, and not a Minister, there, as our representative. Now, Russia was generally supposed to be as influential in her diplomacy as England; and Russia had no ambassador, and nothing but a simple mission, at Constantinople. There was another Power whose diplomacy had been inquired into by the Committee, namely America. The United States never employed ambassadors, and never paid her Ministers abroad more than 2,000*l.* a year. He (Mr. Cobden) could not find out from the witnesses that the United States were anywhere less influential in matters where their own interests were concerned, than England, although the representative of England were paid four or five times as much as the representatives of the United States. He had asked the noble Lord (Lord Palmerston) himself whether the American Minister with his 2,000*l.* a year had less weight than he would have with his 5,000*l.* a year; and the noble Lord admitted that the fact was not so. One diplomatic gentleman examined by the Committee had given it as his opinion that the great secret of diplomacy consisted in giving expensive dinners. Now he (Mr. Cobden) could not conceive that this was a correct representation, and he did not believe that a diplomatist could be indebted to the accomplishments of a cook, however great he might be. He equally regretted that the recommendations of the Committee in regard to Germany had not been adopted by the Government. The noble Lord said, this was not the time to unite the missions to Germany. He (Mr. Cobden) thought that this was peculiarly the proper time. German politics were centred, to a degree never before known in two capitals—Berlin and Vienna; and if, just now, an ambassadorship could be done without at Vienna, surely there could be no good objection to doing away with the missions to the third and fourth rate Courts of Germany. He hoped that these matters would come before the House in a formal way; and that the House would not forego the opportunity of giving its opinion upon them. What the noble Lord said with respect to the recommendation of the Committee as to the abolition of offices to which no duties attached, involved a principle. The noble Lord argued that it was desirable to have certain Members of the Government without specific duties, in order that they might be at liberty to aid those of their colleagues who might be overworked. If the noble Lord (Lord John Russell) could assure him that the parties who were appointed to those offices were generally selected on account of their possessing the talents necessary to enable them to come if requisite to the aid of the other Members of the Government, he (Mr. Cobden) would say, there was virtue in that policy. He admitted that there might be cases where such officers might render the Government essential service; for instance, if such a case as when the noble Lord himself had been Paymaster of the Forces, he had been able to come to the aid of his colleagues in a most important matter. It could not, however, be shown that these sinecure officers had been peculiarly valuable in any department—that they had done anything except in their own departments, and in their own there had been generally nothing to do. The noble Lord (Lord John Russell) had argued that they should have salaries connected with these offices, because they should have it in their power to call men of moderate means to fill them whose services might be of service to the Government of the country. He (Mr. Cobden) thought that those individuals who might be called in to the aid of Government, and who had not wealth to recommend them, would be such as had fought their way up to the position they occupied, and with talents which would command remuneration as well as respect. It was not such individuals who generally filled sinecure offices. The noble Lord had in this matter answered his own argument. He had instanced the case of the Duke of Buccleuch, and had said that the noble Duke being wealthy would not give his time to any of the offices with which great labour was connected, and therefore he (the noble Duke) had been put into a sinecure office. He (Mr. Cobden) admitted that the Members of the Cabinet were fully worked, and earned the money they received. Money, however, was not the only remuneration they received. If it were, he (Mr. Cobden) maintained that no money could remunerate the noble Lord (Lord John Russell) for the great labour, the incessant trouble, and the constant anxiety, and tear and wear, which a Prime Minister in this country must go through. He (Mr. Cobden) maintained that the money did not constitute the remuneration of the Members of Government. It embraced also the great patronage, and the great honour, and the fame which they enjoyed; and he hoped there was some patriotism, too, which fired the ambition of statesmen, and prompted them to serve their country. He wished the Minister to consider that his office was rather one of high dignity and honour than of mere emolument—that it was an enviable distinction to be placed in such a position of dignity and confidence, where he ought to be actuated by the motive of doing service to his country—of serving it well. The noble Lord (Lord John Russell), in referring to the judicial department, had said that he did not contemplate any reduction in the salaries of the Judges. The noble Lord had spoken of the necessity of having barristers of first-rate talents and attainments to fill the office of Judges, and had remarked that the services of such were not likely to be secured unless high salaries were maintained. Now, he (Mr. Cobden) thought there was considerable exaggeration in the statements which were generally made concerning the earnings of barristers in the present day. Let them ask any respectable intelligent Member of the Bar, and he would tell them that there was no profession in this country in which there was a greater tendency to a decline of earnings than the profession of the Bar. At such a time as during the prevalence of the railway mania, when large sums had been made before the Committees of that House, the earnings might have been large; but he referred to the present time. There might be a few in the receipt of large incomes; but the general tendency was to diffuse, as it were, the income over a greater number of persons. Under these circumstances they might find barristers of first-rate talent to leave their profession and take the office of Judge for less than 6,000*l.* or 7,000*l.* a year, for they had to bear in mind that if, to use the expression of the noble Lord (Lord John Russell), barristers had run the race, and taken the lead in their profession, they had had to go through a serious toil, trouble, and anxiety in order to attain that position. They had it in evidence that the wear and tear and the irksome labour attending the life of a barrister in a first-rate position and in successful practice could hardly be conceived. In appointing such men to judgeships, besides conferring on them a high honour, they relieved them of their irksome occupation, and gave them an independence for life and a retiring allowance. Taking into account the honour of the position, and the easy mode of attaining his income which a Judge enjoyed, he thought that much less than 6,000*l.* or 7,000*l.* a year would procure the very best talent in the country. Lord Abinger had been spoken of, and he (Mr. Cobden) admitted that the success of Mr. Scarlett at the Bar had been unrivalled. There had been many barristers appointed Puisne Judges who had never at their profession earned 3,000*l.* a year, whilst Lord Abinger made 20,000*l.* a year; and yet these men had made the best Judges. The recommendations of the Committee had been in many cases matters of compromise. Many of them he (Mr. Cobden) had thought might have been still further reduced. The subject, however, he presumed, would have to be gone into on some future evening, when he promised that he would express his sentiments on the statement of the noble Lord the First Minister of the Crown. In the meantime he might say that they had reason to be dissatisfied with the manner in which the recommendations of the Committee had been treated, and perhaps the House would have something to say on the matter. The saving which the adoption of the recommendations of the Committee would have effected was about 50,000*l.* a year; and the sum by which the noble Lord proposed to reduce these official salaries was in the aggregate only about 7,000*l.* a year. This was very discouraging to those who had sat on the Committee, and had bestowed their time and labour in arriving at the conclusions stated by the report. He would be constrained to follow the example of his Friend the hon. Member for Montrose (Mr. Hume), and decline sitting on any Committee when he found their exertions had been so abortive as they had been on the present occasion.

VISCOUNT PALMERSTON: Sir, I shall follow the example of the hon. Member for the West Riding (Mr. Cobden) rather than his precept, for he began by saying that the discussion should not be gone into this evening, and ended by discussing all the points which had been alluded to by my noble Friend at the head of the Government. I think it right to say one or two words with respect to the arrangements to which the hon. Gentleman alluded. In reference to the ambassador at Paris, I don't expect to make a convert of the hon. Member. I endeavoured to do so in Committee, and failed, and, consequently, I am not likely to do so in this House. But, at the same time, I must express my strong conviction that the public service is greatly benefited by maintaining an officer of the rank of Ambassador at Paris, as representing this country at the, I will not say Court, but Government of a great country like France. We have reduced the salary from 10,000*l.* to 8,000*l.*; and I can assure the hon. Gentleman that, although he may think a republican form of government involves a diminution in the scale of expenditure, any one who knows the state of Paris at this moment will know that there is not that change in the habits of society which seems to be implied in the opinion of the hon. Member. I think it due to my noble Friend now occupying the post of Ambassador at Paris (the Marquess of Normanby) to say, that English travellers who go to Paris must not expect to receive from him, with his reduced salary, that very large extent of hospitality which hitherto has been exercised, as a right on their part, and as a duty on his. I think it fair to my noble Friend to give that public warning, especially since the new arrangement of passports may induce greater numbers to visit Paris, assuming that the passports they bear would entitle them to the future attention of the Ambassador there. A similar ground applies to the embassy at Constantinople. The post of Ambassador gives a peculiar weight to our diplomatic relations there, and that is of great importance to the interests of this country. But the hon. Member says there is one Power which has no Ambassador at Constantinople, but which nevertheless exercises an influence as great or greater than ours, namely, Russia. I am perfectly ready to admit the extent of the influence of Russia; but I venture to think that, considering the extent of the Russian empire, its great military power, its proximity to Turkey, and the fact that its policy is wielded by one single will—I think that if the Emperor had only a single attaché at Constantinople to represent him, his influence would be much the same. The influence of the Government of Russia depends not upon rank, but upon the power of the two countries, and upon the proximity of Russia to Turkey. The hon. Gentleman says we have an example in the United States. As they give only 2,000*l.* a year to their Minister, I presume he implies that something like that same scale would be sufficient for us. It is true that I stated to the hon. Gentleman that when an American Envoy came into my room at the Foreign Office to transact business, I never measure the deference due to him, or the weight to be attached to what he has to say, by the amount of salary he receives. But you cannot ask any impartial American citizen whether the public service does not suffer from the small allowance of salary assigned to the Minister, who will not tell you that they are unnecessarily and inconveniently low, and that they ought to be increased. We happen now to have a most distinguished citizen of the United States, who has an ample fortune of his own, and who lives in a manner honourable to himself and the country which he represents. But there have been at former times representatives of the United States in this country, whose position has been painful to their own feelings. It has been impossible for them to return those social courtesies which every person in this country was happy to manifest towards them; and I think it would not be satisfactory to the feelings of Englishmen that their representatives in foreign countries should be compelled to be different from gentlemen residing in this country. Now, Sir, we have reduced the embassy to Vienna to a mission; and when Gentlemen complain that in point of money there has been no saving, we have indeed accomplished not a great saving, because the nature of the circumstances did not admit of any large reduction, but at the same time a saving of some magnitude, as compared with the saving that would have resulted from the entire adoption of the Report of the Committee. At Paris there has been a saving of 2,000*l.*, by the reduction of the salary from 10,000*l.* to 8,000*l.*; at Vienna a saving of 4,000*l.*, by reducing the salary from 9,000*l.* to 5,000*l.*; and at Madrid a saving of 1,000*l.*, by reducing the salary from 6,000*l.* to 5,000*l.*, so that there was 7,000*l.* saved by the reduction of the salaries of the diplomatic officers. The hon. Gentleman (Mr. Cobden) says this is a peculiar time, when you might abolish the minor missions in Germany; and he differs from my noble Friend (Lord John Russell) who thinks the time peculiarly inappropriate. It is true that the Governments at Vienna and Berlin do exercise, as they must at all times exercise, a preponderating influence upon the affairs of Germany; but if there is anything peculiar in the present state of affairs in Germany bearing upon this question, I should remind the hon. Gentleman that to all appearance the old Diet is going to be established at Frankfort; and one peculiar circumstance connected with that is, that the decisions of the Diet required unanimity, and that, therefore, the will of every one of these smaller States is likely to resume the influence it possessed previous to the year 1848. He could assure the hon. Member (Mr. Cobden) that the information obtained from these minor Courts was frequently of the greatest importance; and, although the hon. Member for Stafford (Mr. Urquhart) seemed to rely, and to think the Government might rely, upon the information contained in the newspapers, he must say that, however well informed the newspapers might be upon matters that were publicly known, still, if the Government had no other sources of information than the public press, they would very soon fall into great disgrace both in this country and in Europe. With respect to the other offices, my noble Friend (Lord John Russell) stated, in a manner that ought to satisfy the mind of any reflecting man, that it is of great importance to Government that there should be offices to which no great degree of daily labour is attached, but which being connected with the Cabinet, may enable them to have, as members of the Administration, persons of great political knowledge, of great talents, of great public character; but who, either through age, infirmities, or any other circumstances, however able to be useful advisers to their colleagues, are yet unable to undergo the daily fatigue of a laborious office. With respect to the law, I do think that if there can be imagined an economy that would be injurious to the interests of the country, it would be an economy that led you to reduce too low the salaries of judicial officers. It may be true that you cannot predict beforehand that a man who is a distinguished advocate should, on that account, be an eminent Judge; but the presumption is in favour of his being so—that the man who has shown great ability and commanding talent in one department of the law, should also distinguish himself in the judicial capacity. But if there is one thing more than any other that would be unfortunate for this country, it would be if the Bar, instead of looking up to the Bench, should look down on it. If the Bench should not be filled by barristers of the first rank in consequence of the insufficiency of their remuneration, and if the decisions of the Judges should carry less weight and respect in consequence of the public supposing that they were men of inferior professional abilities and character to those who were pleading before them, that would be a matter of much greater importance than whether the salary should be 6,000*l.* or 7,000*l.* Now the hon. Gentleman (Mr. Cobden) thinks 6,000*l.* or 7,000*l.* sufficient for a Judge. Well, the Puisne Judges have only 5,000*l.*; it is only chiefs to whom a higher salary is given. In reference to those chiefs, the salaries are reduced below what they were; but I think that, in savings of that sort, the actual pecuniary amount is quite undeserving of attention, and will not compare with the greatly more important object—that the law of the country should be administered in a manner to command the confidence and respect of the people of this country. For, depend upon it, if your courts of law were to cease to hold that position in the public esteem which I am happy to see they do now—if the people were to think the decisions were given erroneously from want of capacity or want of knowledge on the part of the Judges, you would shake the confidence of the people in the constitution of the country, inflicting a wound upon the public interest which the saving of a few thousands of pounds could not make up, the evil effects of which no amount of money could counterbalance.

Mr. W. WILLIAMS begged to repeat his question to the noble Lord (Lord John Russell) as to whether the noble Lord would have any objection to lay on the table a statement showing the reductions recommended by the Committee, and how the Government proposed to deal with these reductions?

Lord JOHN RUSSELL said, he had no objection to produce such a statement.

Subject at an end.

PROMOTION IN THE NAVY.

Mr. HUME wished to refer to a former occasion, on which, when he had made a few observations, he had afterwards been precluded from making a Motion which he had on the paper, and begged to ask Mr. Speaker if, should he offer a few remarks at present, he would be precluded from bringing on the Motion which stood on the paper?

Mr. SPEAKER replied, that when an hon. Member had spoken once on the Motion that the Speaker do leave the Chair, it was against the rules of the House that he should speak again.

Mr. HUME: That I say is an interference with the liberty of speech. I am precluded by a rule you lay down from bringing on my Motion if I speak at present.

Mr. SPEAKER: I have laid down no rule on the matter. It was always the rule of the House that on the question that the Speaker do leave the Chair, hon. Gentlemen might speak once; and if any hon. Gentleman does speak once, he could not speak again while the same question was before the House.

Mr. HUME could only say that in his experience he had known three, four, and five questions raised. ["Order, order!"] Hon. Gentlemen would allow him to express his opinions. He would take that opportunity of stating that he concurred in the importance of having Judges to whom they could look up. Judges ought to be selected on account of their talents and public and private worth; but he had been long enough in that House to know that such appointments were not made on account of these qualifications. He could name instances where individuals had been appointed to situations whose qualifications were not so much considered as their party political bias. He thought that the time had come when the Government ought to place a lawyer with fortune in the House of Lords, and give him a peerage, and not make it the practice to pay such high public salaries. That was a crying evil in this country, and one which ought to be removed. They had had instances of men selected no doubt for their capacity, but who had not had time to make a suitable provision for their families; and, in consequence, their families had to be pensioned on the public. He did not expect that they could reduce the salaries of men who really did the work, but there was a class of men who got salaries, and who did very little work. He thought that the salaries of diplomatists ought to be reduced. He did not see what use they could be in the present state of Europe. He believed that in our diplomatic interference we meddled more in other people's affairs than our own. He did not wish to cast any reflection on the noble Lord at the head of the Foreign Department. He considered him to be one of the ablest men they had to manage their affairs. He differed on many points from the noble Lord, but he wished to do credit to his ability. He wished him, however, out of the Foreign Department, and he should wish to see him Chancellor of the Exchequer, or anything else except Foreign Secretary. The noble Lord had referred to the influence of Russia at Constantinople without having an ambassador there. Why, he would ask, did we keep up a large fleet in the Mediterranean, and require an ambassador also to keep up our influence? He would not go further on this, but, as he was not allowed to speak twice, he would not sit down without calling the attention of Government to the promotions in the Navy. Two years ago the cost of the Navy underwent a searching inquiry before a Committee, and amongst the recommendations which the Committee made, was one to reduce the number of admirals from 150 to 100. The Motion which he had given notice to bring before the House was that that recommendation be carried out. Hon. Members, however, would be in possession of a paper dated 29th April, from which he learned that Government proposed to reduce the number of admirals from 150 to 100; of captains from 492 to 350; of commanders from 828 to 450; and of lieutenants from 2,247 to 1,200. It was satisfactory to see that Government was directing its attention to that department, and he was only sorry that they did not do it long ago. In consequence of this proposal, the ground of his Motion was taken from under him; but they were called upon for 6,500*l.* to carry this reduction into effect. He was informed by officers that the mode of reduction, however, would be productive of great injustice. By the rules of the Admiralty, no captain could succeed to the flag unless he had commanded a ship of war for a certain time since the Peace. The consequence was, that the Admiralty had placed connexions of their own in command of ships, and they had succeeded to the flag; while men who had devoted themselves to the Navy as a profession, but who were without interest, had not the opportunity of serving, and therefore got no promotion. To avoid this injustice, he put it to the First Lord of the Admiralty whether it would not be better to follow out the advice of the Committee, and have three vacancies to one promotion? As the object of his Motion was effected, he should not persevere with it. It was understood that the office of General of Marines would not be filled up. Would that go towards the 6,500*l.* a year?

Sir FRANCIS BARING said, the plan proposed by the Committee was in accordance with what the hon. Gentleman (Mr. Hume) had himself proposed to the Committee. He deeply regretted that there was no plan which could be proposed which would not injuriously affect some class of officers or other, but he thought the plan proposed to remove these officers was the best and fairest. The rule was that no officer could be promoted who during the past thirty years had not served six. Some of them had not served at all during the whole time they had been on the captains' list, and those officers would be removed. He would go no more into detail when the House went into Committee.

Sir GEORGE PECHELL said, he apprehended when the House got into Committee the right hon. Gentleman the First Lord of the Admiralty would ask for a Vote for Stores, which would occupy a great portion of the evening. His hon. Friend the Member for Montrose (Mr. Hume) complained that there had been great delay in the Admiralty in taking this matter in hand. It appeared to him (Sir G. Pechell) that the Admiralty had on the 29th of April taken up this matter all of a sudden. On April 29th the Lords of the Admiralty appeared to have received a confidential letter. It appeared that on that day the subject occupied the serious consideration of the Board of Admiralty, and that they at once, with the permission of the Lords of the Treasury, proposed that the sum of 6,500*l.*, to be applied for the relief of the admirals' and captains' list, should be proposed to Parliament. He thought, therefore, that they owed the Lords of the Treasury some thanks for their unusually prompt attention to the matter. With respect to the right hon. Gentleman's (Sir Francis Baring's) reply to the hon. Member for Montrose (Mr. Hume), they should recollect that many persons were unable to serve the required time for want of interest. Many parties applied to the Admiralty year after year stating their great anxiety to manifest their zeal in the defence of the country and of the constitution; but unless supported by Parliamentary or other influence, they had no chance of being employed. It was scarcely fair, then, to turn round upon such persons and tell them that they had not served. He could assure the House that there were many cases of that description. There was another point deserving of notice in the observations of the hon. Member for Montrose, namely, on what principle would the selection for the list be made? For instance, there was a very excellent and worthy admiral of the Blue who thought he ought to go to Plymouth; but they told him that he was deaf, and could not hear the morning and evening gun. They, therefore, appointed a junior officer. Of course the worthy admiral was dissatisfied; and the Board would have many cases of that description. Then, again, the House had had a statement with regard to the retirement of commanders and lieutenants. With respect to that subject, he (Sir G. Pechell) had endeavoured to impress on the Government, four years ago, the necessity of making a retirement for lieutenants and commanders; and he had indicated the mode in which such a fund might be created, namely, by appropriating the sums paid by the public for the conveyance of specie and treasure by Her Majesty's ships. At present the greatest injustice, favouritism, and patronage, were shown in the disposal of that money; but if it were applied in the way he had pointed out, the right hon. Gentleman the Chancellor of the Exchequer would have no need to come down to the House for an increase of the half-pay, for the fund in question would be amply sufficient for the purpose. In concluding he begged to compliment the Admiralty upon the amount of general discipline and good order which they had enforced, and with respect to which they had not been surpassed by any Gentlemen who had ever sat on the Ministerial benches.

Subject dropped.

ASSISTANT SURGEONS IN THE NAVY.

Captain BOLDERO then rose to call attention to the accommodation provided for assistant surgeons on board Her Majesty's ships of war. In consequence of a resolution passed by that House on the 8th of April last year, the Government issued orders to the commanders of vessels of war cruising on the various naval stations, directing them to afford additional accommodation to the assistant surgeons serving in their respective ships. To show what attention had been paid to that order, he might state that he had a return from the Mediterranean fleet, which comprised 12 vessels, including six line of battle ships and five war steamers. The full complement of assistant surgeons for those vessels was 24; but of that number only five had received the boon which it was the object of the House to obtain for them—namely, separate cabins. They all knew that, in order that their naval power might be efficient, it was necessary, as far as possible, to secure the health of the men; and the best way of doing that was to make the position of the assistant surgeons such that the most intelligent and best informed young men from our medical schools might be induced to enter the service. The order which had been issued on the subject by the Admiralty, some time ago, was highly objectionable, as not tending to remedy any of the evils under which the assistant surgeons suffered. It required that the assistant surgeons should spend three years in the cock-pit before being admitted to the ward-room: with this regulation the assistant surgeons were very naturally dissatisfied, as tending to cast upon them a stigma of social inferiority. He wished to ask the First Lord of the Admiralty if he would give an assurance that he would take more efficient measures to carry the Resolution of the House into effect; and if the answer of the right hon. Baronet was not satisfactory, he (Captain Boldero) reserved to himself the power of reintroducing the subject on a future occasion, and taking the sense of the House upon the question.

Sir FRANCIS BARING said, that as soon as the Resolution to which the hon. and gallant Member referred was passed last year, he took measures for carrying out that Resolution so far as could be done consistently with the necessary arrangement of ships-of-war, and the Government were extremely anxious to carry out the Resolution fairly and fully. The hon. and gallant Member had said that the regulations had not been carried out in the Mediterranean squadron. He (Sir Francis Baring) could only say that before twenty-four hours elapsed orders should be sent to ascertain whether the regulations had been carried out in that squadron or not; although from the well-known character of Sir William Parker he had very little doubt that they had been adopted. He certainly had received no complaints on the subject.

Mr. WAKLEY could inform the right hon. Baronet that if the Admiralty had received no complaints, he (Mr. Wakley) had received a great many. It was not very likely that the assistant surgeons would complain to the Admiralty, lest they should have a black mark put to their name and lose their chance of promotion. He could assure the right hon. Gentleman, however, that extreme dissatisfaction was felt at the manner in which the Resolution had been carried into effect; and he hoped that if it was not acted upon in its integrity, the hon. and gallant officer (Capt. Boldero) would again bring the question before the House.

Subject dropped.

THE HOP DUTY.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. FREWEN then rose to bring forward the Motion of which he had given notice. He said, as the two Motions which preceded his had been disposed of, he would be under the necessity of troubling the House with that of which he had given notice, in consequence of the great pressure which fell upon the parties to whom he alluded caused chiefly by recent legislation in that House. The Hop Duty was originally imposed in the year 1711, and had been doubled in 1805; and up to the year 1819, as long as high prices prevailed, the hop-planters never complained of the tax, as long as they could pay it. A change, however, then came upon the country, and the agricultural distress which prevailed in 1822 had been so great that the Earl of Liverpool, then at the head of the Government, fully acknowledged it, and abstained from enforcing payment of a moiety of the duty for that year. The hop planters of East Sussex were annually called on to pay over 100,000*l.* in duty. In 1848 the amount of their duty had been 117,000*l.*, while in 1850 it was 116,000*l.* The remainder of the duty of 1848 due last autumn had been enforced, and the hop planters had been obliged to sell their hops at a ruinous price to meet the demand. All their spare money having been appropriated to pay the duty of 1848, they had nothing left. They, therefore, thought it would be only justice to them to pursue the same course which had been pursued by Lord Liverpool and the Government in 1822. It would be impossible for the Government officers to collect that tax. Since the first notice of his intention to bring forward that Motion had appeared, he had received a great number of communications, not less than sixty, from parishes in the district which he had the honour to represent. He would refer to one of the letters he had received, which was from the head of the Hastings Bank, who was himself an extensive planter of hops. The writer said that he never knew the hop planters in so bad a state as they were at the present time. If the duty was attempted to be collected in May, he could not see what would be the result; but it would be much more serious than the Government had any idea of. Such was the opinion of that gentleman. He had also letters from clergymen, medical men, and landed gentlemen, all to the same effect, stating the existence of great distress in the district. He could say of his own knowledge, that an immense quantity of land was thrown on the hands of the proprietors, the tenants not wishing to occupy them on account of the burden of poor-rates on one hand, and the enormous amount of the tax levied by the hop duties on the other. In one parish which he knew exceedingly well, 1,000 acres had been thrown on the hands of the proprietors. In another, a friend of his own had from 700 to 800 acres, which he could not let on any terms. The case was so, more or less, through the hop districts in that county. He did not believe, that in those districts there was a landed proprietor who had received a fourth part of his rent for last year. Some had not received the rent due on Lady-day, 1850. An eminent agriculturist, who had retired from business in consequence of his advanced age, had told him (Mr. Frewen) that he had never known such an amount of distress as existed in that district at the present time. He added that he collected the rent of two farms at the present time. He had made a reduction of 20 per cent in the rent of 1849, and had received a portion of the balance; but for 1850 he had not received anything, nor did he think he should. He (Mr. Frewen) wished to know from the Government whether all that district was to be thrown out of cultivation, and reduced to the state in which it was 800 years ago? There was an enormous population in the district, the most of whom were employed in the hop grounds. It was hardly known what the amount was which was paid for labour in that cultivation. The cost per acre varied from 12*l.* 10*s.* to 15*l.* In East Sussex there are about 10,000 acres of hops, so that from 125,000*l.* to 150,000*l.* are spent annually in wages on the hop grounds in that county; and if the labourers were thrown out of employment, of course they must go into the workhouses, which would enormously increase the rates. He conceived that from the great distress which prevailed in that district they had the greatest possible claims on the consideration of Government. In conclusion, he begged to put the Motion of which he had given notice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty most respectfully to inform Her Majesty that very great distress exists in those districts of the county of Sussex where Hops are grown, and that it will be quite out of the power of the Hop Planters in that county to pay the Excise Duty on the crop of 1850 during the present year,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FULLER seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he could not but be aware that there was a part of the district to which the hon. Gentleman alluded in a state of distress, and it was painful therefore to him to feel it his duty to oppose a Motion the tendency of which might be supposed to be to alleviate that distress. He wished to direct to this case the attention of those hon. Gentlemen who attributed so much of the existing distress of the country to the removal of protection. Let it be observed that the hop growers had an absolute and complete monopoly of the home market. It was perfectly true, as the hon. Gentleman had stated, that the protective duty was reduced four or five years ago; but it was still so high that no quantity of foreign hops had ever yet come in which could be supposed to produce the slightest effect whatsoever on the price. The utmost quantity of foreign hops ever retained for consumption was 250,000 lbs.; whereas our own produce was 48,000,000 lbs.: it could not, therefore, be supposed that this had effected the home market to any appreciable extent. Nor had the consumption of hops been interfered with by the use of drugs, which in former times were employed by the brewers when the price of hops was high. By the arrangement made for the levy of the duty, the pressure on the producer was greatly mitigated, payment not being required until the whole of the produce had been disposed of. Thus before the growers were called upon to pay the duty due on the crop of 1848, they had received the whole price of that crop, and a considerable part of that of 1849. So far was the statement of the hon. Gentleman from being correct, that they paid the duty before disposing of the crop, when the fact was, that they never paid the first half of the duty till great part of the crop was sold, and never paid the second half till great part of the subsequent crop was sold. The hon. Gentleman would not deny this position, that when the producer had a complete monopoly, he must, in ordinary times, be able to exact of the consumer the full amount of the duty, in addition to the net price of the article: this was the case with the growers of hops. But they had done that which must necessarily lead to a fall in the price, increasing the produce of hops far beyond the demand for them. For many years up to the year before last, they had paid the duty without the slightest difficulty. In 1843, 1844, and 1845, the average produce of hops was 30,000,000 lbs.; but the production was increased so much that in the three succeeding years it amounted to nearly 47,000,000 lbs. By throwing so large a quantity of this article on the market beyond what the country required, the price had been considerably reduced. In 1849 the produce of hops was small, and the price exceedingly high; but in 1850 the produce was very large, amounting to 48,000,000 lbs., by which the market was again overstocked and the price reduced. The greater part of the hops on which the duty was now to be paid, had long been sold at the duty-paid price. If the remission of duty was to be to the dealers who had paid that price, the hon. Gentleman's constituents would derive no benefit; but if to the first parties, it was tantamount to a demand that so many thousands of pounds should be taken from the pockets of the general taxpaying community for the benefit of a small class.

MR. T. L. HODGES rose simply to confirm the statement made by the hon. Member for East Sussex (Mr. Frewen); and he was surprised at the arguments with which they were met by the right hon. Gentleman the Chancellor of the Exchequer. Hops were very abundantly grown for our own consumption. He hoped that some relief would be given to the hop planters; their distress was indisputable. He believed that by Christmas next a greater number of farms would be untenanted than were ever known before. There would be also a greater number of persons out of employment; and the arrears of poor-rates and other taxes would be much greater than the Minister contemplated. He had intended to have moved an Amendment; but as that course would be inconvenient at present, he gave notice that he would introduce a Bill for the reduction of the duty upon hops to-morrow.

MR. BASS was disposed to ask their consideration for another class of agriculturists, whose distress could scarcely be less than the hop growers—he meant the growers of barley, who paid a very heavy duty. He could not but think that it would be as reasonable to return the duty to this class as to the hop growers, who had already received the duty, and had put it into their pockets. He could not think that there was such evidence of the great distress of the hop growers as was represented, for it appeared that from 1850 the number of acres of hops had increased from 42,000 to 43,000. It had been observed by an hon. Member opposite, that the present duty upon hops was so insignificant, that when the foreigner had any to spare he sent them to this country. That, however, was never the case except they advanced to nearly double the average prices. The trade now asking for indulgence, had more indulgence than any other. If hon. Gentlemen would but confine themselves to the subject of diminishing the duty upon hops, he for one would be disposed to support the proposition. The hop grower had in his hands the supply of the commodity required, and therefore he could take into account the average vicissitudes that the season produced. He had then the remedy in his own hands to a very considerable extent.

Mr. EWART would oppose the Motion. He contended that the relief proposed to be given to the growers would involve an injustice to the hop dealers; that it would be, in point of fact, merely relieving one class at the expense of another.

Mr. DISRAELI: I am surprised, Sir, at hearing the representatives of several bodies of distressed agriculturists address the House in the manner in which we have heard them this Session. I am astonished that the representatives of constituents so suffering should have avoided the opportunities afforded them, in more than one instance, during the present Session, to express their opinions of those sentiments which so graciously issued from the Throne, and were responded to by the Ministers. We were told at the commencement of the Session that there was great distress and depression in the agricultural districts. We were informed of that by the Sovereign, and the Minister repeated that declaration; but when the House was called to respond to that declaration, the hon. Member for West Kent (Mr. T. L. Hodges), and the hon. Member who followed him, did not assist us on those occasions. But now they come forward and tell us that they represent bodies of suffering agriculturists. We did not ask them on that occasion to give any opinion on the principles of protection or free trade, but to offer their evidence and testimony, in addition to the important and august declarations made to the House. But notwithstanding that I entirely sympathise with those two hon. Gentlemen, let me ask what is the Motion before us? It is, that we should humbly address Her Majesty to inform Her that very great distress exists in those districts in the county of Sussex where hops are grown—that is, that we are to inform Her Majesty that there is partial distress where Her Majesty has informed us that there is general distress. I cannot understand how it is that Ministers, after having counselled their Sovereign to make that important announcement, and after having several times told the House they were still of that opinion, can refuse their support to this Motion. The right hon. Gentleman the Chancellor of the Exchequer says this is a protected interest, and therefore he cannot interfere: but when an unprotected interest is brought before the consideration of Her Majesty's Ministers, he makes exactly the same observation. And, after all, what is the case before us? You have reduced, as I understand, the foreign duty to one-quarter of what it was, and you have not relatively reduced the internal duty. Well, we do not want you to protect any branch of native industry—we do not ask you to act in any way in opposition to those commercial principles which you are always vaunting; but we say that, if you are resolved to reduce the duty on foreign productions, you should, in the same proportion, reduce the duty you raised on your inland revenue. Every free-trader may support the Motion of the hon. Member for East Sussex (Mr. Frewen). The hon. Gentleman who addressed us from this side of the House, has said—"Notwithstanding the alleged distress in the districts where hops are cultivated, the produce has very much increased of late years." [Mr. Bass: No, the acres.] Why, we have a Parliamentary return before us, on the table of the House moved by the hon. Member for West Kent (Mr. T. L. Hodges)—a return of the produce from 1847 to 1850, if I recollect aright, and from that return it appears that there has been in that period a reduction of not less than 10,000 acres employed in the cultivation of hops, the numbers being something like 52,000 acres in 1847, and probably 42,000 in 1849 or 1850. The hon. Gentleman has surely thrown aside that consideration which he generally gives to every subject on which he addresses the House. The document is before us which confirms the statements of the hon. Member for East Sussex, and shows us that that important and interesting branch of the native industry of the country is suffering—that there is great agricultural distress in a particular district, the Crown having told us that there is general agricultural distress throughout the country. The Chancellor of the Exchequer's argument that the hop growers are a protected interest, amounts to nothing unless he can show that the external tax operated as a protection. But if the internal impost not only equals but exceeds the foreign protection which he alleges, then that is a circumstance calculated to produce the distress of which we are complaining. Considering that this is a state of affairs which has now gone on for a considerable period; that the Members for the hop-growing districts have frequently brought the subject before the consideration of the Government; that it is a fact notorious that thousands of acres are going out of cultivation in Kent and Sussex; that as an hon. Gentleman (I believe the hon. Member for East Sussex), in the early part of the Session, informed us, that there was one proprietor alone whose arrears of rent amounted to 7,000*l.*; that these circumstances were produced, not as the right hon. Chancellor of the Exchequer wishes the House to believe, by the mischievous and foolish system of protection, but on the contrary, by a fiscal system which, while it reduces protection against the foreign growers, aggravates the impost collected by the domestic tax-gatherer—I say, considering these circumstances, I do not think we can be justified in refusing to support the Motion of the hon. Member for East Sussex. Here is great distress evidently produced by an enormous system of fiscal blundering—distress proclaimed by the Sovereign, and frequently admitted by Her Majesty's Ministers during the Session; and if the hon. Member for East Sussex thinks proper to divide the House, I shall feel it my duty, consistently with all I have said and done during the Session, to give him my support.

MR. BASS wished to refer the hon. Member for Buckinghamshire to the Return before the House. The House would recollect that his (Mr. Bass's) statement was, that notwithstanding the severe distress which it was alleged the hop growers suffered, the number of acres cultivated last year had been an increase on the previous year. The return showed that the number of acres under cultivation in 1849 was 42,797, and in 1850, 43,185.

LORD JOHN MANNERS: Yes; but will the hon. Gentleman tell us what the numbers were in 1847? [Mr. BASS: I never mentioned 1847.] No, the hon. Gentleman did not mention 1847. He did not tell us that in that year there were 52,000 acres under cultivation. It was always said when any branch of the agricultural interest complained—"Oh, put more capital into the soil, bestir yourselves, be up and active, and everything will come right;" but the hon. Member for Derby (Mr. Bass) had stated that the hop growers had brought some thousands of acres into cultivation, and that therefore the House should resist the appeal just made to them on behalf of that suffering class. If the hon. Gentleman's argument was correct, then here was proof that, if the agricultural interest took the advice of hon. Gentlemen opposite (the free-traders), and threw capital into the soil, they would be met in the same way by the Government, and their supporters; and in proportion as they expended capital to make head against adverse circumstances would there be a want of sympathy for them on the part of the Government; and the very exertions they made would be brought forward in that House as an argument against them. He appealed to the House whether the very figures of the hon. Gentleman (Mr. Bass) did not afford a conclusive argument in favour of the Motion?

LORD JOHN RUSSELL said, that the hon. Member for Buckinghamshire (Mr. Disraeli) had been not quite correct either in his representation of the Motion that had been made, or of the state of the returns before the House. Any one might suppose, from the statement of the hon. Member that the hop growers were suffering from the great importation of foreign hops, consequent upon a reduction of the duty upon them; but though the duty had been very much reduced, it had not been to such an extent as to admit any great amount of foreign hops, except in times of high prices. Instead of being a tenth or a twentieth, or a fiftieth, it did not exceed 1-190th of the whole production. The notion, therefore, that the admission of foreign hops had occasioned the distress was an explanation that was not in accordance with the facts of the case. There had certainly been an immense increase in the produce of hops of late years, and the consequence of that, no doubt, was a very low price in the home market. The hon. Gentleman (Mr. Disraeli) had stated this was a Motion expressive of sympathy for the distress of that class of the agricultural interest; but the Motion went beyond that, and represented to Her Majesty that these hop growers were unable to pay in the present year the duties chargeable upon them by law, of course with the inference that, being unable, they ought not to be called upon to pay what they owed. That certainly was an extraordinary proposition to ask the House to agree to, because the hops had been sold at the price which they would fetch, supposing the duty to have been charged and paid; and every purchaser of hops had given the price upon that supposition. Thus, the hop grower having received that price (though it might be a low price, owing to the greatness of the production), now said that he ought not to be charged the sum which he owed. That certainly was a proposition to which the House could hardly agree, for it implied not merely an expression of sympathy with distress, but as unfair a proposition to the revenue as could well be made.

Mr. FREWEN said, that looking at the state of the House, and as he had brought forward his Motion quite unexpectedly, thinking the forms of the House would have prevented its coming on that evening, he would not trouble the House to divide on the Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

House in Committee.

(1.) 843,193*l.* for the defrayal of the expenses of Naval Stores, &c.

Mr. HUME submitted that a few minutes within midnight was not a proper time for the discussion of so important a Vote. The Committee might recollect that, on a former occasion, the important Vote for Wages was taken without proper discussion between twelve and one o'clock in the morning. He should suggest that the right hon. Baronet (Sir Francis Baring) should give the Committee an opportunity of discussing the present Vote at five o'clock some afternoon.

Sir FRANCIS BARING said, he was not at all anxious to press the Vote on the present occasion. There were, however, some other Votes connected with the Navy which he thought might well be taken at once. He would suggest that Votes 14, 15, and 16 be taken.

Vote *withdrawn.*

Mr. W. WILLIAMS said, it would be very improper to press the three Votes in question at so late an hour. They amounted to no less than 1,300,000*l.* He had some observations to make upon them which he could not conveniently do at that late hour.

House resumed; Committee report progress; to sit again on *Wednesday.*

WOODS AND FORESTS.

Mr. B. COCHRANE moved for returns of the attendance of the noble Lord the First Commissioner of Woods and Forests since the noble Lord (Lord Seymour) came into office. (*Votes and Proceedings, 55.*)

Lord SEYMOUR: If the hon. Member for Bridport has any charge against me for not having attended to my official duties, it would be only fair in him to state the reasons for moving for this return. If he has no such charge to prefer against me, I can see no reason for the granting of these returns. To some of the offices enumerated in the list, no salaries are attached. This Motion is founded on many misconceptions; for instance, the hon. Gentleman is mistaken in the assumption which he has made as to my connexion with the Commission of Fine Arts and the Council of the Duchy of Cornwall. I am a member of neither of these bodies. Then as to the office of Chief Justice in Eyre, that office is known to be a sinecure—hardly any duties are attached to it. Then as to asking for a return of my attendance on the Commission of Geological Survey, the hon. Gentleman might as well ask what portion of my time I devote to any other public office with which I am connected. If any business is brought before the Geological Museum, of course I attend to it. I could not furnish the return for which the hon. Gentleman has moved. If the hon. Gentleman has any charge against me of not having attended to my public duties, I am quite prepared to meet it; but I think the attempt to furnish such a return as he has moved for would be mere waste of time.

Mr. B. COCHRANE: I certainly want to know how often the noble Lord has attended the sittings of the Board of Health. I believe the noble Lord has attended them but seldom. I shall divide the House upon this Motion.

Mr. DISRAELI hoped that his hon. Friend would not attempt to divide the House. His hon. Friend, he hoped, would feel that he had already accomplished his object. He (Mr. Disraeli) was bound to say, that the noble Lord (Lord Seymour) was one of the most valuable Members of the Administration. He had had opportunities, when sitting with the noble Lord upon Committees, of observing with what sedulousness he attended to his public duties. He (Mr. Disraeli) did not wish to give any opinion, upon that occasion, as to the expediency of accumulating duties upon one individual, although that, no doubt, was the point to which his hon. Friend addressed himself, when making his Motion. He trusted that the House would not be called upon to divide.

Lord **JOHN RUSSELL**: I certainly shall object to the return in the shape now proposed.

Motion, by leave, *withdrawn.*

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 6, 1851.

PAPAL AGGRESSION.

The Duke of **ARGYLL** presented nearly a hundred petitions agains the Papal aggression from various places in Scotland, and observed that the reason why he had given notice of his intention to present these petitions, was not for the purpose of raising any discussion on the subject, but simply that he might the more effectively direct the attention of their Lordships to this emphatic demonstration of public opinion, as proving how erroneous were the statements of those who represented that the feeling upon the subject of the Papal aggression was not so strong or of such general prevalence in Scotland as in other parts of the empire. A few weeks before the Easter recess, he had spoken of the strong feeling which existed upon this question amongst the Scottish people; and he had done so partly because statements to a contrary effect had been circulated in certain quarters, and partly because an impression had unfortunately got abroad that these statements were founded on fact, and that it was indeed true that the indignation excited by the encroachments of the Court of Rome was less strong and less abiding in Scotland than in any other part of the kingdom. His assertions had been contradicted in the public press by a gentleman whose respectability he willingly admitted, but whose competency to interpret the general feelings of the Scottish people he was not so ready to allow. The petitions which he had now the honour to present (83 in number) satisfactorily refuted the representations of the gentleman in question, and supplied the most eloquent corroboration that could be required of the statement which he (the Duke of Argyll) had made to their Lordships. The petitions proceeded from all parts of Scotland. They had not been got up at public meetings, but were the spontaneous expression, tranquil, but firm and emphatic, of the feeling of the people upon this important question. The petitioners expressed in unqualified language their indignation at the Papal aggression, and prayed their Lordships to take the most stringent measures to repress it. The signatures to the petitions which he then presented, were, he believed, about 100,000 in number. The noble Duke then presented a petition against Papal aggression from the city of Glasgow, signed by 56,000 inhabitants; also petitions from the Lord Provost, magistrates, and town-council of Edinburgh; from the University of Glasgow; and from numerous burghs, presbyteries, parishes, and congregations of all denominations, in all parts of Scotland.

The Earl of **MINTO** expressed his acquiescence in all the observations which had fallen from the noble Duke who had just presented this immense mass of petitions. In no part of Her Majesty's dominions had the sentiments of Her subjects been so strongly expressed as they had been in Scotland. All the communications which he had received from that country confirmed the opinions which had just been expressed by the noble Duke.

REGISTRATION OF ASSURANCES BILL.

Lord **FEVERSHAM** presented a petition from the solicitors residing at Witham, in the county of Essex, against the Registration of Assurances Bill.

Lord **STANLEY** presented a petition from the attorneys and solicitors, members of the Manchester Law Association, against the Registration of Assurances Bill, in which, though the petitioners objected to a central and metropolitan legislation, they admitted the propriety of establishing a local registration, either in counties or in union districts.

Lord **CAMPBELL** had, by the courtesy of the noble Lord, seen the petition now presented, which undoubtedly emanated from a very useful and influential body of men; but he hoped their Lordships would not be influenced by any suggestions in that petition from proceeding with the measure with as much vigour as possible. He should attend to some of the suggestions which had been made; but the petitioners objected chiefly to one metropolitan office, and they wished to have an office in every district. Now, he was certain that their Lordships must make up their minds to have only one registration office for England and Wales, or none at all. Twenty years ago a similar suggestion was made by the attorneys, and most eager as he was that the measure then brought forward should pass, he objected to it, as he should do now. A strong opposition to the Bill was being got up by the attorneys, and he hoped, therefore, that no time would be lost in passing the measure. It was read a second time with the approbation of their Lordships; and he was glad to see that last Session the House of Commons had given a measure of a similar character, although imperfect in its nature, a second reading, because it showed their determination to have a general registration; but there was an estate in the realm more powerful than either their Lordships or the other House of Parliament, and that was the country solicitors; and it behoved their Lordships to beware of it.

Petition read, and *referred* to the Select Committee on the Bill.

SUPPLEMENTARY ESTIMATE FOR RETIREMENT OF NAVAL OFFICERS.

The EARL of HARDWICKE rose to move, according to notice, for a Return of the Supplementary Estimate for the Retirement of Naval Officers. The noble Earl said, he made this Motion with the view of calling the attention of their Lordships to the plan recently proposed for facilitating the retirement of naval officers, and for decreasing the number of naval officers on the active list. The state of the naval profession was a subject of undoubted importance, and the attention of all recent Administrations had been directed to various suggestions for inducing naval officers to retire from active service, with the view of lessening the burdens borne by the public. The efficiency of the Navy was a subject which was justly dear to the country; and various suggestions had been adopted, which had been to a certain extent successful in effecting a reduction of the dead weight. In 1846, the last plan was established for the reduction of the Navy by retirement, and that system had ever since continued in operation. The two principal features of that plan were, first, that the retirement should be voluntary; and, next, with reference more to the discipline of the service than to the system of retirement, it was laid down that officers who had attained post-rank should serve at sea for six years, to make them eligible for their flag. Those who had not so served were put on the retired list some years ago; but this regulation was thought to bear hard on many efficient officers, and they were in consequence restored to the active list. But if the new plan for rearranging the system of retirement should be sanctioned by the Treasury, the Executive would have the power of at once causing officers to retire summarily from the service, without the right of choosing whether they would do so or not; and officers who arrived at the head of the captains' list, and who had not served their six years, would be compelled to retire, and would no longer be permitted to be called upon to serve the Crown. The first operation of this system would be that every officer on the admiral's list who had been permitted to take his place on the active list, but who had not served his six years in command of a ship as captain, would have immediately to quit the active list to be placed upon the retired list, with the permanent half-pay of a rear-admiral for the rest of his life, and could never again be called into the service. No doubt there were many officers who would be satisfied with this arrangement; no doubt it would clear the way for the promotion of many young officers, and it might even be beneficial to the public service; but what he contended was, that it involved a breach of faith and an injustice towards the 42 or 43 officers who had not served their six years, but many of whom, being on the active list, and still eligible to serve the Crown, would wish to have an opportunity of doing so; and many of these when the list had been voluntarily cleared off, would find themselves within reach of a vice-admiral's flag. It was also proposed by the new arrangement to ask for the Government, that the First Lord of the Admiralty should be entrusted with 1,500*l.* a year, to be divided into ten pensions of 150*l.* each, to enable him to make an offer of 150*l.* in addition to their half-pay, to certain officers if they would go upon the retired list. By this summary process the list of admirals would be reduced to a hundred. No doubt many officers might be glad to see a large portion of officers struck off from the admirals' list, and so many admirals who stood in their way bought off by the country; but this mode of dealing with the senior officers might not be so agreeable to such of them as were still hale and active, and ready to go into any part of the world on the service of the Crown. The next step was to reduce the list of Captains, and the mode taken was equally summary. Every captain who came to the top of the list was to be asked if he had served six years at sea in the rank of captain; and if the answer was in the affirmative, he would be placed upon the active list; but if he had not served six years, he would be told to go out by another door, and he would receive, upon the retired list, the rank and half-pay of a rear-admiral for life. He wished to point out to their Lordships how this regulation would operate. He would suppose that Captain A, Captain B, and Captain C, came before the board. The first, Captain A, might be asked a few questions by the Secretary of the Admiralty, and would admit that he was certainly a little old, sixty-five, or perhaps even seventy; that he was rheumatic in bad weather, and that there was something not quite right about the optic nerve; but if he had served six years afloat, though it might be twenty years since he was on salt water, he would be placed by the regulation on the admirals' active list. Another, Captain B, would also have served six years, in the packet service at Southampton, not at sea be it observed, and he also would be placed upon the active list of admirals. But then came Captain C, an officer who had not served six years afloat, but who nevertheless had been recently employed, was healthy, and in the prime of life, he was anxious to serve again, but cannot obtain employment. He, however, according to the regulation, must be put upon the retired list. That was precisely the way in which the regulation would work if Parliament permitted its adoption. The man who had a right to claim retirement and to repose under the shade of his laurels, and who was perhaps too old to require more, would be placed, by the operation of this rigid rule, upon the active list, while, by the working of the same rigid rule, the officer who was fit and anxious for active service in his profession would be placed on the retired list. He apprehended that this plan of the Admiralty would work in a way directly the opposite to that which was intended. Their Lordships would desire to see the retired list made an honourable retreat for those officers who had served the Crown, and were disabled for further exertion; but he was sure they would not wish to see it filled up by men who were yet strong and active, and who were perfectly qualified to serve their country. There was another way in which these regulations would work a gross injustice. A rigid rule was laid down that every captain should serve six years afloat before he should be considered as eligible to his flag. But how many captains had been offered the opportunity of serving for the prescribed period? The position in which the country had been placed for many years past had been such as to make it impossible for many officers to serve their full time at sea; and because they had not been enabled to serve, the Admiralty would turn them out of their profession — for he called placing a man on the retired list, who was fond of his profession and fit for it, turning him out of the profession. Although the regulations would give great satisfaction to those who were to rise rapidly in the service by the reduction of the captains' list from 500 to 350, he must say it was a most extraordinary way of thinning the list, to place upon the active list men who were not fit for work, and, *vice versâ*, men who were well adapted for active service on the retired list. The paper itself, however, in which these regulations were contained, was not very clear in conveying the intentions of the Admiralty, and was so loosely worded that it might almost be thought that it was considered desirable to leave a loophole to creep out of. The paper said—

> "Their Lordships will also observe, that the arrangement includes the creation of ten pensions for admirals, the keeping open the retired list for captains, and an addition to the pay of retired captains and commanders. So far as expense is concerned, their Lordships believe it would be unnecessary to ask Parliament for an increase of the sum now included in the estimates."

A proposition was, nevertheless, made to entail upon the country an increased charge of 6,500*l.* a year, though the Admiralty said that they did not believe that their plan would swell the expenditure beyond the present amount of half-pay. Another passage in the paper seemed to him to be of very doubtful import:—

> "As vacancies occur in the active list of flag officers, the captain first in seniority, who has served for his flag, will be promoted (reserving Her Majesty's undoubted right of selection)"—

about which he should say a word by-and-bye. Their Lordships would observe that the words used were "who has served," not "served six years." He took it for granted, however, that the Admiralty meant to require six years' service. With regard to the Crown's power of selection, that right had undoubtedly always existed, and he should consider it a great misfortune if that right did not exist when an officer was required for any special purpose.

At present it was in the power of the Crown to place any admiral in command of a fleet or squadron, or to delegate the powers of an admiral to a captain, with the title of commodore. With this admitted power, however, on the part of the Crown, the Admiralty were now going to ask the country for a sum of money, in order to enable them to commit a great injustice on a deserving class of officers, though for what purpose he did not know. He was ready to allow that the Admiralty would by these means appear to have a well-weeded active list, from which it could select able officers; but the real condition of the Navy would be the same as at present. There would be two lists, and that was all; for looking at the question as a financial saving, there seemed at starting to be but little chance of effecting one. He had thought it right to mention these circumstances to the House; but he disclaimed any intention of doing so in a hostile manner, his object being merely to show how the regulations would work if they were carried into effect.

The EARL of MINTO had no objection to the return for which the noble Lord had asked; and, indeed, if these regulations were to be carried out, he was not the most fit person to be called upon to defend them. In many of the observations made by the noble Earl he entirely concurred. He agreed with him that there would be much injustice in taking as the best and only test of the capacity of an officer the period of three, four, or five years during which he had been in command of a ship. But he must remind the noble Earl that the prescribed period of six years' service did not originate with the present Board of Admiralty, but was enjoined by an Order in Council made in June, 1827. He thought that a very unfortunate regulation; but he must be allowed to say, also, that some experience at sea was necessary, and what he considered objectionable was, that six years' service was the only test which was adopted.

LORD COLCHESTER said, that the noble Earl was doubtless right as to the state of the law, but a different impression prevailed in the service.

The EARL of MINTO again referred to the course which had been pursued since 1827, and said it was most desirable that when officers were worn out in the service, care should be taken to make provision for them.

LORD STANLEY said, that the remarks of the noble Earl (Earl Minto) had rather strengthened the case laid before their Lordships by his noble Friend. He had heard, with surprise, from the noble Earl (the Earl of Minto) that this plan was rather a recommendation proceeding from the Board of Admiralty than a plan finally determined upon by Her Majesty's Government. Of course, it could not yet have received the sanction of the Cabinet, or the noble Lord would not have been so utterly unfit as he had intimated to defend it. But, with regard to its being merely a suggestion thrown out by the Admiralty, he must say that the paper itself bore a different aspect. He found that this was a paper laid upon the table of the House of Commons as a supplementary estimate for 6,500*l.*, for the purpose of carrying out the plan now spoken of as a suggestion of the Admiralty, and the grounds of the proposed vote were thus stated:—"I have it in command to acquaint you, for the information of the Lords Commissioners of the Admiralty—that my Lord's (the Lords Commissioners of Her Majesty's Treasury) —are pleased to sanction the above estimate." The noble Lord's Cabinet information, therefore, came in rather late. He (Lord Stanley) was afraid it was not "a mere sketch put forward by the Admiralty not sanctioned by the Cabinet," for it appeared to have at all events the sanction of the Treasury Board, and likely to be carried into execution, in a short space of time, by the adoption of this estimate by the House of Commons. He should be glad to find, now that the attention of the noble Earl, and the attention of their Lordships, had been called to the subject, that there was yet a *locus penitentiæ* in that House for the Government. He would not venture to discuss professional details with which he was wholly unacquainted; but he would take upon himself to suggest the wisdom of mitigating one injustice complained of by his noble Friend (the Earl of Hardwicke). The noble Earl opposite admitted that injustice, but defended it on the ground that it would be productive of a future saving at the cost of a present outlay. By the proposed arrangement, captains perfectly competent and anxious to serve their country, were forced to retire upon half-pay, because they had not been actively engaged for six years. The period of six years was fixed upon at a time when there were a large number of captains afloat; but now that one-tenth, or perhaps not one-twentieth of that number could by any possibility be afloat, he (Lord Stanley) begged to suggest that much of the injustice complained of would be extinguished if the period of six years was somewhat diminished.

Earl TALBOT was a little surprised to find that the regulations which had been published were not a matured plan, but only a scheme thrown out to be, as the phrase now was, a little ventilated. He admitted the importance of diminishing the dead weight of the country, but he deprecated the policy of effecting it by compulsory retirement, which would operate unjustly with respect to old officers. He hoped that the question would be considered in all its bearings by Parliament before such an injustice was sanctioned. He thought that every officer ought to have at least the option of serving before he was put upon the retired list. There was another subject to which he wished to call the attention of the House, and that was the recent order which had been issued by the Admiralty with respect to the examination of naval cadets. Though the examination was slight, one failure was fatal, no one being allowed to be examined a second time. It was well known that youths, though really well qualified, often failed through nervousness. He was induced to make these observations in consequence of what had happened quite recently to the son of a friend of his, who had failed in orthography, but whom he (Earl Talbot) knew to be well qualified for the profession which he wished to follow. In the Army, a second examination was always allowed, and he hoped that this case would be reconsidered, inasmuch as no notice was given to the young man that the examination would be final.

Earl GREY did not understand his noble Friend (the Earl of Minto) to say that the measure was not one which had been decided upon by the Government. On the contrary, the paper on the face of it showed that it had been considered by the Admiralty, and sanctioned by the Treasury, and an estimate of the expense of carrying out the plan had been laid upon the table by the Government, in the House of Commons. All that his noble Friend meant was that the matter could not be considered as finally settled until the plan had received the sanction of Parliament. With regard to the measure itself, he confessed that he wished his noble Friend had given a little more notice of his intention to discuss the question, and then he (Earl Grey) would have endeavoured to make himself master of the subject. As he had no professional knowledge, he could not be expected to give any opinion on the professional part of the question. But, with their Lordships' permission, he would make one or two remarks on what had fallen from the noble Lord opposite. And, in the first place, he might observe, that no officer would suffer anything in a pecuniary point of view from the regulation alluded to. The gist of the complaints that were made was, this, that the feelings of officers were wounded by their being placed upon the retired instead of upon the active list. Now, no one could be more willing than he was to consult the feelings of old and meritorious officers; but, at the same time, he must say, that for the interests of the country, and of the service itself, it was most desirable that the nominal active list should not be swelled by having a large number of officers upon it who were not actually engaged on service. It was known to their Lordships, that in the other House of Parliament there was no topic more invidiously used against the Navy than the large number of admirals upon the active list, more than those who were really on service, and it was therefore most important on all accounts that that number should be reduced. The regulation which required a certain term of actual service from an officer as a qualification for the rank of an admiral, had been objected to. The Navy and Army were machines intended for war, and in time of peace some parts of those machines were liable to get out of order; but so far as the regulation went, he was bound to say he thought it an exceedingly good one. No officer ought to be employed as an admiral who had not had a certain amount of experience in the command of a ship, and no inferior post of command should supersede the necessity for that experience. Whether six years was or was not too long a period to require as a qualification, was a point upon which he would not express an opinion; but, after all, they must establish a point somewhere, and he believed that six years was the term formerly in use in the profession. It had been said, that it was hard to adopt that rule at present, when there was a smaller number of officers afloat than in 1827, when the rule was established. He thought that the noble Lord who made that remark had fallen into error; for it was a fact, that in

1827 we had a very much smaller number of ships afloat than we have now; and not only that, but for several years previous to 1827 we had a considerably less number of officers afloat than at the present time. In reference to another point, which had been alluded to by the noble Earl who spoke last, he would say that the regulation respecting the examination of naval cadets was an exceedingly good and desirable one. Because, what was the state of the case? They had a number of applicants for cadetships in the Navy, much greater than could be admitted; for one that was admitted, there were three or four who desired to enter the service without being able to do so. It was therefore right to select the most efficient candidates; and it appeared to him that a person once rejected after a fair examination might be concluded to be not so fit and competent as others. Besides, a rejected candidate might have a fresh nomination, which would entitle him to a fresh examination, so that he was not absolutely excluded from the service by a single failure.

Lord STANLEY begged to make an observation in reference to what had fallen from the noble Earl, who supposed that he (Lord Stanley) had fallen into error with regard to the relative number of officers afloat in the year 1827, and at the present time. In 1827, the officers who then stood for the flag were captains of the year 1799, and so late down as 1840 the officers who stood next for the flag were captains of 1806; consequently, in 1840, the officers who stood next for promotion were officers who were post-captains from the year 1806 to the close of the war, and had therefore greater opportunity for serving the required time.

Earl TALBOT begged to ask on what authority it had been stated by the noble Earl the Secretary for the Colonies that a candidate for a naval cadetship who had been rejected at a first examination could obtain another nomination, and so be entitled to a second examination.

The Earl of MINTO was understood to say, that his noble Friend had not made the statement referred to on official authority; but from what he had gathered upon the subject, he believed such would be the case.

Motion agreed to; ordered accordingly. (*Minutes of Proceedings*, 39.)

House adjourned to Thursday next.

Earl Grey

HOUSE OF COMMONS,

Tuesday, May 6, 1851.

Minutes.] Public Bills.—1ª Apprentices to Sea Service; Bridges (Ireland).

THE IRISH POLITICAL CONVICTS.

Mr. C. ANSTEY begged to put a question to the hon. Under Secretary for the Colonies, with respect to the treatment of the three Irish exiles by the Lieutenant Governor of Van Diemen's Land. On the arrival of the exiles in Van Diemen's Land, tickets of leave were granted to three of them — Messrs. O'Donohue, M'Manus, and O'Doherty; Mr. Smith O'Brien declining to accept one upon the terms on which it was offered—that he should give his parole of honour that he would not use his liberty to escape from the island. The other three gentlemen gave this parole, and received unconditional tickets of leave. These tickets were granted under an Act passed when Lord Stanley was the Colonial Secretary, by which the holders of these tickets were placed upon the same footing as conditional-pardon men were formerly; they had the right to hold property, and to sue and be sued as freemen. It was the opinion of lawyers consulted by these gentlemen that they had the full liberty of locomotion all over the island; and though the Governor assigned them particular districts for their residence, some of them had occasionally gone beyond the limits of their police districts, returning again within them. On Mr. Smith O'Brien's taking a ticket of leave, and coming in from Maria Island to Hobart Town, the other gentlemen named, Messrs. O'Donohue, M'Manus, and O'Doherty, went to see him and congratulate him on his restoration to liberty; and having done so, and spent two hours with him, they returned within their police districts. Mr. O'Donohue was then taken ill, and was confined to his bed; but the two other gentlemen were brought before the police magistrates of their respective districts on a charge of having exceeded the limits of their districts. They appeared before the magistrate by counsel, and the point was argued as one of extreme doubt and difficulty. Mr. Mason, who had been fifteen years a police magistrate of the district of New Norfolk, declared that it was his opinion that these gentlemen had the privilege for which they contended, and that they had committed no offence. In consequence, however, of the law officers of the Crown in the colony having given an adverse opinion, he suggested that the case should be compromised on these terms—that the case should be dismissed, Mr. O'Doherty giving his honour not to leave the district again until he had asked permission. Mr. O'Doherty having given this promise the complaint was dismissed, and a return was accordingly made by the police magistrate that the case had been dismissed. A similar compromise was made at Longstown with Mr. M'Manus. The third gentleman, Mr. O'Donohue, was confined to his bed during these proceedings, and, therefore, was not prosecuted; but as soon as the report of the proceedings before the police magistrates came to the Lieutenant Governor, Sir William Denison, he addressed a reprimand to each of the magistrates, and the tickets of leave granted to the three gentlemen named were withdrawn by a public notice in the Government *Gazette* of the 31st of December last. They were immediately (with the exception of Mr. O'Donohue, whose illness prevented this step) arrested and removed to the Penitentiary, their clothing was then taken from them, they were clad in the gaol dress, and sentenced to three months' probation in the ultra penal settlement of Port Arthur, amongst thrice-convicted convicts. He wished to ask the hon. Under Secretary of State for the Colonies whether the facts, which he had on the authority of the parties themselves and their friends in the island, were as he had stated them or not? and whether the conduct of the Lieutenant Governor was likely to receive the approbation of the Colonial Office; and whether any correspondence that might have passed between the Lieutenant Governor of Van Diemen's Land and the Colonial Office could be laid before the House?

MR. HAWES said, that, with respect to the statement of facts, as the hon. and learned Member alleged them to be, he had no alteration to make at all, inasmuch as he could neither affirm nor contradict them; and he certainly thought there was some inconvenience in having *ex-parte* statements of fact made in introducing a simple question, which was all that he had to answer. It was perfectly true that tickets of leave were granted to the three persons mentioned by the hon. and learned Member (Mr. Anstey); and it was also true that the Governor had thought it incumbent upon him, in the exercise of his authority, to withdraw the indulgence afforded by granting tickets of leave. He would, with the permission of the House, read a passage from the despatch of the Lieutenant Governor:—

> "I have now to inform your Lordship that I have been obliged to withdraw this indulgence from the three persons named in the margin, Messrs. O'Donohue, O'Doherty, and M'Manus, in consequence of their misconduct in acting in direct violation of the regulations applicable to tickets of leave, and, in consequence of such violation, to send them to Port Arthur."

The Lieutenant Governor goes on to state that—

> "as distinct evidence was brought before me of the fact that the three persons before-mentioned had deliberately left their districts without leave; and in the case of M'Manus, after I had thrice refused permission, I directed the tickets of leave to be withdrawn."

He (Mr. Hawes) could not conceive that there was anything in the conduct of the Lieutenant Governor which deserved censure; for if he was to exercise impartially the power conferred on him by Act of Parliament, he must make no distinctions whatever; and if persons have violated the known condition on which they accepted the ticket of leave, it is on their own heads that the consequences must fall. The Lieutenant Governor was empowered to withdraw the tickets of leave if he thought fit; he had exercised that discretion, and he (Mr. Hawes) did not see that he was deserving of censure. He should have no objection to lay on the table the despatch from which he had read extracts.

MR. C. ANSTEY then said, that on the first day on which the House went into Committee of Supply, he would move a vote of censure upon the Lieutenant Governor of Van Diemen's Land.

METROPOLITAN SEWERS.

SIR BENJAMIN HALL would now put to the noble Lord the Member for Plymouth (Viscount Ebrington), the questions of which he had given notice:—From how many and what districts of the metropolis the sewers rate of 6*d*. in the pound, recently ordered, is to be collected? What sum that rate will produce? Whether the several rates are to be expended in the districts from which they are collected? What new works are proposed? And whether they are to be completed before the present Commission expires; and if not, what portions will be completed? And whether any part of the extraordinary amount about to be levied is to be applied to payments of existing liabilities; and, if so, how much is to be so applied?

Viscount EBRINGTON said, it was notorious that any imputation whatever might be conveyed in a question; and unless the House would consent to hear the answer, a very unfair impression might be produced; but on the present occasion a very short answer would suffice. The sewers rate of 6*d.* in the pound had not been levied in all the districts within the jurisdiction of the Commission, but in eight of them only. Those eight districts had a rental of above 4,400,000*l.*, and the sum proposed to be collected was 110,000*l.* The several rates must by law be expended in the district from which they were collected, with the exception of the contribution from each towards the expense of management, and the central and other offices. A great number of new works were proposed, which he would not trouble the House with detailing. One embodying a system of arterial drainage for the metropolis south of the Thames, and another of similar character for the north side, which would each cost a large sum. There were others which had been already sanctioned by the Court, and only waited the collection of the necessary funds. The hon. Baronet (Sir Benjamin Hall) wished to know whether the new works, or any portion of them, would be completed before the present Commission expired. But, as it was notorious that the present Commission expired of itself at the close of this Session of Parliament, and as it had been announced by Government that they were to bring in a Bill which, it was to be presumed, would supersede the present Commission, relieving them from their labours, and imposing them on some other body to be approved of by Parliament, he (Viscount Ebrington) was unable to say what portion of the works would be so completed. He could only say that there were a great number of works in hand. Seven or eight miles of additional sewers had been made since the report of the Secretary was written, and some of the most unhealthy districts of the metropolis relieved. The cash overdrawn at the banker's amounted to about 5,000*l.*, and the liabilities now unpaid, not, as at the close of last year, to near 80,000*l.*, but only to little more than 40,000*l.* Rates had been made for about 110,000*l.*, great part of which was at present in course of collection.

Sir Benjamin Hall

Sir BENJAMIN HALL wished for some more definite information as to works now being proceeded with.

Viscount EBRINGTON said, it was impossible for him to state what works would be carried out, as under the present defective Act it was impossible to borrow more than 10,000*l.*, and works to the extent of more than 100,000*l.* had been planned in full detail and approved of.

METROPOLITAN SUPPLY OF WATER.

Viscount EBRINGTON said, the hon. Member for Montrose had stated in the discussion of the other evening, that two or three companies were ready to enter into competition with the present water companies of the metropolis. He himself had not heard of so many; but he still wished to ask the right hon. Baronet the Home Secretary whether, in the event of a new company being formed to execute combined works of water supply, sewerage, and house drainage, for the entire metropolis, in conformity with the principles already recognised by the Legislature and the Government—(the company acting not as an independent proprietary body, but only as contractors, engaging to be subject to the terms, conditions, and control of any competent superintending authority which the Legislature might see fit to constitute for the purpose)—whether in that case the Government would withdraw their present partial measure, applying only to the water supply of the metrolis, and would sanction such an effort on the part of the inhabitants to secure for themselves the benefit of such combined works and consolidated administration?

Sir GEORGE GREY said, it was impossible for him to give a specific answer to a question of this nature. It assumed that a Bill would be assented to by Parliament of a much more comprehensive nature than that which he had brought in, and that it would accomplish several most important objects to the satisfaction of the metropolis. He could only say, that if his noble Friend could obtain leave to bring in a Bill of which the provisions would include the important objects stated in his question, he should be happy to consider its details, and even to see it passed in preference to the one he had himself brought in. He had not said that two or three companies were ready to contract for the supply of water to the metropolis, but that if the existing companies should refuse the terms offered to them on the part of the Government, other parties might be found who would be ready to contract for that purpose.

POOR RATES.

Mr. GRANTLEY BERKELEY said, the object he had in view was, if possible, to relieve the agricultural districts of an oppression which weighed them down, and remove an abuse injurious to the ratepayers and the poor. Some time ago he had occasion to refer to the state of pauperism in his own county—Gloucestershire; and he found that the returns showed upon the face of them a great diminution of pauperism; but he could not discover that the cost of relief was lessened. Upon further investigation he found, that whereas before 1846 a man and his wife and six children applying for relief with a sick child were returned as eight persons relieved, it had since been ordered that they should only be returned as three. There was also a great apparent reduction in vagrancy, owing to tramps not being admitted unless they consented to do a certain quantity of work. In endeavouring to ascertain the true state of the poor throughout England and Wales, subjects had come within his notice to which he was anxious to call the attention of the right hon. Gentleman the President of the Poor Law Board. The Poor Law and the Law of Settlement required revision; great cruelties were practised under them. Applicants were bandied from place to place without getting relief, and expense was incurred without the object in view being properly fulfilled. When he recollected the atrocities of Kilrush, he felt that he might well have included Ireland in his proposition. What he desired to effect was the equalisation of the burden; for, at present, one place would be found paying 17*s.* or 18*s.* in the pound, while another was paying only 4*d.* in the pound. The parish of Bishopwearmouth paid 19*s.* 9*d.* in the pound. He did not propose at present to deal with the rating of personal property; but it was known that the intention of the Act of Elizabeth was to render personal property liable to poor-rate as well as real property. There were other respects, also, in which a state of things such as could not have been contemplated by the Act of Elizabeth had arisen with reference to rating. An iron mine, for instance, yielding 10,000*l.* a year, might have near it a coal mine which did not give a return of 200*l.*, yet the coal mine was assessed, while the iron mine was exempt. The distinction was unjust; but others than coal mines had escaped by a legal quibble, coal mines being the only mines mentioned in the Act of Elizabeth. The iron mines of Wales, Staffordshire, and other counties, and the copper mines of Cornwall, were all exempt from payment of poor-rate. If that property which was at present exempted were properly rated, the pressure of the poor-rate could be easily adjusted. As to the modes in which the present evils might be remedied, the clerk of the Stockport union, Mr. Henry Coppock, in a report dated 1844, after having dwelt on the evils which attended the Law of Settlement, said—

> "What, then, is the real remedy, the humane and Christian-like remedy, for the evils of the present system? It is to make the relief of the poor purely national—to make every part of England where a poor man may reside really and truly his home—to prevent removal officers by law separating him from the place where his happiest days have been spent—to make the relieving officer the real messenger of charity—to relieve distress when and as soon as it arises—and to banish for ever those insane struggles and legal fights to decide from which particular local purse the necessary relief must be abstracted."

He (Mr. G. Berkeley) wished to make it national, though not altogether as Mr. Coppock proposed. To check the expenditure was the great difficulty. Mr. Coppock said—

> "The local authorities, the coroner, the magistrates, and the public press would be ample means to insure sufficient relief being granted to distress—more ample than what is insured at present; because, with a local board of guardians (irresponsible as it is) its local influence has power over local authorities, over the coroner, the magistrates, and the press—a power and influence which a paid officer would not possess. The proposed plan would, therefore, not lose in comparison with the present system. Any alteration, therefore, must be in favour of sufficient relief being immediately granted to distress."

Mr. Coppock proposed to make the poor-rate a charge on the Consolidated Fund. From that he (Mr. G. Berkeley) disagreed. He was for retaining local power to check unnecessary expense. He held in his hand also some clever suggestions by the Earl of Malmesbury, who proposed to take the average rate of the last seven years; to distribute to each union the sum it had expended on that average; and, if a union exceeded its average, to provide that a rate-in-aid be locally levied. Taking a seven years' average, however, would continue the abuse he desired to get rid of; and so far he objected to the plan recommended by the Earl of Malmesbury. Mr. Hutchinson had furnished him with a plan to which there seemed to be no reasonable objection. It proposed one equalised rate throughout England and Wales. He referred to a Return No. 735, Session 1848, for the purpose of showing the great inequality that existed in rating:—

> "While Chester, upon an annual value of property of 1,574,273*l.*, paid but 1*s.* 0¼*d.* in the pound, and York (three Ridings) averaged 1*s.* 3*d.* in the pound upon property valued at 5,932,386*l.*, Buckinghamshire, upon an annual value of property of 706,265*l.*, paid 2*s.* 4½*d.*; and Carnarvon, upon 174,175*l.*, paid 3*s.* in the pound."

In Clifton union, Gloucestershire, where there were twelve parishes, and the annual value of property assessed was 212,732*l.*, the average rate in 1847 was 1*s.* 9¼*d.*; in Dursley union eleven parishes, with property of the annual value of 47,307*l.*, paid 3*s.* 5½*d.* In the evidence taken before the Select Committee on Settlement and Poor Removal, he found it stated that Ryde, in the Isle of Wight, was assessed at the same rate now, when it was a rich and populous place, as when it consisted of only a few huts. The Isle of Wight was a model, on a small scale, of the plan he (Mr. G. Berkeley) advocated, all the parishes being united. Under the poor-law property might be reassessed; but reassessment was not compulsory. What he wished to have was a new assessment, and by amending a Bill now before the House, which had reference to the subject, he thought a remedy would be afforded without introducing new machinery, which he wished to avoid. To a union rating he thought there were just and general objections. It was said that an assessment so high as 1*s.* 6*d.* in the pound would inflict great injustice on localities paying a smaller amount. It appeared from a return, that in 388 unions the assessment was under 16*d.* in the pound; but there were 461 unions paying over that amount, so that a greater number would be benefited than could be injured by his plan. He was happy to be able to quote the authority of the noble Lord at the head of the Government, who, on the 26th of May, 1845, said, "that the freedom of industry should be promoted by a careful revision of the law of parochial settlement which now prevailed in England and Wales." He had proofs in his hand that property of the annual value of 21,958*l.* paid at present 428 times more in amount than similar property valued at

28,297*l.* He had proof that in 1843 mining property, paying to property and income tax, 1,930,700*l.*, the greater portion of it, contributed nothing to the poor. He found, that in 1847 the property assessed to the poor-rate was in round numbers 67,000,000*l.*; the property tax in 1843 in round numbers gave a return of 85,000,000*l.* In Scotland, where personal property was rated for the poor, the difference between the assessment to the poor and the property tax was only 116,000*l.*, the latter being the larger. Great objections were felt among many persons to interference with an old system, however unjust or partial; but he trusted that the time had come to give relief to the only class which was admitted to be in distress; and if his proposition were carried out, relief would be afforded not only to the agricultural interest, but to every one who contributed to the poor-rate. He therefore begged to move that the House should go into a Committee to consider the Resolution of which he had given notice.

Mr. SPEAKER said, he must remind the hon. Gentleman that he had put the Motion in rather a different form from that in which it appeared on the paper, and the House could not at once proceed to entertain his proposition in a Committee of the whole House.

Mr. GRANTLEY BERKELEY said, he would then propose to go into Committee on that day week.

Motion made, and Question proposed—

> "That this House will, upon Tuesday the 13th day of this instant May, resolve itself into a Committee, to consider the following Resolution:—viz., That to alleviate a portion of the burthens from which the agricultural interest is at present suffering, through the payment of parochial Poor Rates, varying in many instances from 6*s.*, 7*s.*, 8*s.*, 9*s.*, to 13*s.* 10*d.* in the pound, there be levied an equalised Poor's Rate, in England and Wales, not exceeding 1*s.* 6*d.* in the pound, and subject to local government."

Captain HARRIS seconded the Motion for going into a Committee of the House on this important subject, though he dissented from most of the details specified in the Resolution. He considered that it was a matter which, if taken up in a wise and fair spirit of legislation, might give essential relief to the depressed agricultural interest, whilst Free-trader and Protectionist could meet on this neutral ground of justice and fair play, without any sacrifice of their opinions or principles respecting the commercial policy. There was a conviction growing up in the mind of the country as to the necessity of laying a rate on all classes of property, and that opinion was corroborated by a passage in the report of Mr. Beckett, poor-law guardian, who had been appointed to inquire into the law of settlement. He said he had perceived in many quarters a strong feeling in favour of a national rate, to be made on all descriptions of property, for the support of the poor. The justice of that proposition had been acknowledged by the hon. Gentleman the Secretary for the Treasury (Mr. Cornewall Lewis); and though he hesitated to pronounce an opinion upon it, and put forward the many difficulties that would attend such a plan, yet he said, in the course of his evidence before the Lords' Committee, that he was prepared to admit that, unless there was some reason in favour of a local tax limited to real property, it was more equitable to defray the expense out of a national tax that would come out of all descriptions of property. He (Captain Harris) believed that the plan which had been put before the Lords' Committee last year by Lord Malmesbury, was one that would effect the purpose they had in view. He believed by the system that noble Lord proposed they would be enabled to reach every income throughout the country, and make every man pay according to his ability for the support of the poor; while at the same time they retained the local management that was so essential for the working of the poor-law. His Lordship had ascertained the whole expenditure for the poor, for seven years previous to 1849, amounting to 5,850,000*l.*, for Great Britain; and he then proceeded to show that a rate of fivepence in the pound, levied on every species of income down to incomes of 30*l.* a year, would meet that expenditure. The rate of poundage must, however, depend upon the general state of property; but it was thought that fivepence in the pound would be sufficient. It was proposed that the amount received should be paid into the Exchequer, and the Poor Law Board were then to ascertain, from each union and parish, what their expenditure had been during the average of seven years. That was easily ascertained, indeed they had it already in a paper on the table of the House. The Poor Law Board were to draw from the Exchequer the average sum for each parish and union according to the expenditure of those seven years. The election of boards of guardians was to be as at present—they were to be selected from the owners of real property, and upon them was to rest the responsibility of administering the law. If they exceeded the sum which was remitted to them, they would be called upon to levy a rate in aid on the real property within the parish. It was to be raised on the real property, because it had been found difficult to localise funded or personal property; so that if the expenditure exceeded the sum allowed, the rate in aid must be levied on the real property. Then came the question which had been raised by the hon. Gentleman the Secretary for the Treasury, namely, what motive would there be for economy, for what was to be done with the surplus? In the plan put forward by Lord Malmesbury, he proposed that the surplus be applied to emigration; but it was said, Where there is a surplus, in that place emigration is least required. So that was not held a sufficient incentive to economise. The plan which had since occurred to the noble Lord was this—that the surplus in each case should be applied to the county rates. So there was a direct incentive to economy. He thanked the House for the attention which they had given him whilst he sketched out the main features of a plan, which, he felt convinced, if laid fairly before the public, would meet their approval, as it had already received the adhesion of many unions to which it had been submitted.

Mr. BAINES: Sir, I hope that the hon. Member for West Gloucestershire, and the hon. and gallant Member who seconded him, will pardon me if I decline to follow them into many of the topics which they have introduced into this discussion. The law of settlement, the assessment of personal property to the relief of the poor, the ingenious plan of Lord Malmesbury, and other subjects upon which the hon. Members have touched, all involve questions of the greatest importance, which I shall be ready to discuss whenever they are brought regularly and distinctly before the House. At present, I shall confine myself to the specific proposition of the hon. Mover; but before I address myself to it, I hope the House will allow me to advert for a moment to the personal appeal which has been made to me, with reference to the accuracy of those Poor Law Returns, for which I must be held responsible. I think it a little hard that without previous notice of any kind, the hon. Mover should call upon me to explain the grounds of a change in the mode of preparing those Returns, which was adopted three years before I entered upon my office. Speaking from conjecture, however, I should say that the object of those who made the change was, as the effect has undoubtedly been, to obtain results of greater accuracy and comprehensiveness than under the former system. Besides, the hon. Gentleman forgets that the comparisons which have recently been made, in order to show the diminution of pauperism, have been made by comparing the Returns of 1847, 1848, 1849, and 1850, all of them years since the change in the mode of framing the Returns, so that the Returns of those years have really all been made upon precisely the same principles, and in precisely the same form, and, consequently, admit of a comparison in all respects fair and just. But I proceed without further delay to the Resolution before the House. That Resolution affirms the expediency of providing for the relief of the destitute poor of the country by means of a National Rate. I ask, is the House prepared to sanction such a proposition? Hitherto, a national rate has met with no favour in Parliament. In 1847, a Select Committee, of which my lamented predecessor in office (Mr. C. Buller) was chairman, investigated most fully the subjects of settlement and rating. When I state the names of the Gentlemen who acted upon that Committee, it will be seen that there were among them some of the ablest Members of the House, including several who are peculiarly conversant with the subject of the Poor Laws. The Committee consisted of Mr. Charles Buller, Sir James Graham, Sir George Grey, Mr. Henley, Mr. Bankes, Mr. Evelyn Denison, Lord Harry Vane, Mr. William Miles, Mr. Poulett Scrope, Mr. Charles Villiers, Mr. Round, Mr. T. Duncombe, Mr. Aldam, and Mr. Bodkin. The adoption of a national rate was recommended with great earnestness by several of the witnesses examined; yet such was the opinion entertained upon it by the Committee, that when they came at last to discuss the Resolutions to be submitted to the House as the result of their inquiries, no one Member appears to have made the slightest suggestion in favour of a national rate, or to have treated the subject as deserving a moment's serious consideration by Parliament. Two years afterwards, a proposition for a Committee to consider the expediency of a national rate was brought before the House by a noble Lord now deceased, then Member for Aylesbury (Lord Nugent); but the House thought it so dangerous to countenance even a doubt upon the subject, that the Motion was scouted on all sides, and the noble Mover finally allowed it to be negatived without a division. Various suggestions for the relief of the owners and occupiers of land have been recently made by the hon. Member for Buckinghamshire (Mr. Disraeli); they have been urged by him with the greatest ability and ingenuity, and with an earnestness which no one can doubt; yet I never heard from him a syllable in favour of a national rate. I repeat, then, that hitherto the scheme recommended by the hon. Member for West Gloucestershire has certainly met with no great encouragement in this House; and I shall be much surprised if the House now think it deserving of greater, in consequence of any arguments which have been used to-night. I beg their attention to the exact proposition of the hon. Member for West Gloucestershire. It is professedly for the relief of the agricultural interest, and this is to be effected by an equalised poor-rate throughout England and Wales of 1*s.* 6*d.* in the pound. Now there are in England and Wales upwards of 5,000 parishes (by which term I mean places maintaining their own poor), chiefly of an agricultural character, in which the present rate is less than 1*s.* 6*d.* In some it is less than 2*d.*, in others less than 3*d.*, in others 4*d.*, 6*d.*, 8*d.*, and so on. The immediate effect of the hon. Gentleman's proposition would be, at one stroke, to make the rates in those places double, treble, quadruple, in some more than sixfold, and in a few more than tenfold their present amount. On the one hand you may have a parish where the management has been careful and economical, and where every case of an application for relief has been strictly and vigilantly scrutinised. On the other, you may have a parish where the system of administering relief has been careless and wasteful—a system full of mischiefs, debasing and demoralising to the poor, and ruinous to the ratepayers. These two parishes, according to the hon. Gentleman, are at once and for all future time to be put upon precisely the same footing with each other. The economy of the one will have no reward, and the extravagance of the other will entail no penalty. And this is what the hon. Gentleman calls justice. He has spoken of union rating: this is not the occasion to discuss the merits of union rating; but it clearly differs from national rating in two most important particulars.

First, the districts are such as experience has proved to be well adapted for a common management of all the poor within them: secondly, the areas of rating and of expenditure would be identical; the sum raised, whatever it might be, would be expended within the limits and for the benefit of the district raising it; and every person contributing to the common fund would, by himself or his representative, have a voice upon every question of expenditure. But, according to the scheme of the hon. Gentleman, a parish in Northumberland might be required to supply funds for the expenses of a parish in Cornwall, with which it could have no possible connection in the management of its poor, and over which it could exercise no possible check. Besides, in every equitable plan of union rating which I have seen, it has been considered necessary, that although equality of assessment throughout the union might be the ultimate object, such equality should be attained, not all at once, but by gradual approximation. Such was the plan advocated by some of the ablest Members who sat upon the Committee of 1847. But the plan of the hon. Gentleman contemplates an equalisation throughout the country, which shall be immediate as well as total. Such a transition must inflict the greatest injustice both upon owners and upon occupiers. Much has been said in recent discussions about the incidence of the burden of local rates; but no one can doubt, that although in the long run the charge necessarily falls upon the owner, it may also fall upon the occupier with grievous weight where the transition from one mode of rating to another is sudden and unexpected. But suppose this scheme of national rating to have been carried out, notwithstanding all these objections; how would it work? Let the House consider how much of wasteful extravagance in the management of the poor it would be quite sure to involve. What motive for economy would anybody have under such a system? If the penalty of careless and improvident expenditure is not to fall upon themselves, but may be cast upon others, who can expect any board of guardians to be at the trouble of carefully sifting the various applications made to them, so that while, on the one hand, cases of genuine destitution shall be relieved, care shall be taken on the other to detect and discourage the idle vagrant and the shameless impostor? Let the House consider whether every kind of jobbing would not arise among those who had the distribution of this fund. There would be a scramble for the largest share of the common booty. To say nothing of those who from sheer carelessness, or in the pursuit of a spurious popularity, would waste the fund; others would be found to revive the frauds practised under the old poor-laws, by eking out the wages of their own labourers from the rates, and making their official character subservient to their own pecuniary advantage. There would be throughout the whole land an indefinite increase of pauperism with all its enormous evils, social, political, and moral. When it was once understood that individual applications for relief were not to be carefully sifted, multitudes, now self-reliant, would throw themselves upon the rates; those who are now struggling on the verge of pauperism would slide into it, and those who are in would never get out. The habit and the feeling of independence would be destroyed among the humbler classes; and what greater curse could be brought upon individuals, upon families, or upon the national character? But, after all, is the hon. Gentleman's scheme practicable in a financial point of view? He says that under no circumstances is there to be a resort to the Consolidated Fund, or a greater rate than 1*s*. 6*d*. in the pound. If there is not, the plan breaks down at the very first step. I hold in my hand a statement showing the total value of the property in England and Wales rateable to the poor-rates in 1847, (the latest return derived from official sources); it amounts to 67,320,587*l*. The amount levied last year under the head of "parochial poor-rates," out of which the county rates, borough rates, and several other rates are payable, was 7,270,492*l*. Now, what will a rate of 1*s*. 6*d*. in the pound (which is to be the hon. Gentleman's maximum under all circumstances) raise upon the total of the rateable property in England and Wales? Just 5,049,044*l*. to meet an expenditure of 7,270,492*l*. So that the hon. Gentleman actually starts with a deficit of more than 2,000,000*l*. And this is with reference to the present expenditure; what that expenditure might grow to in the course of a few years under such influences as I have attempted to describe, I defy any man to tell. But suppose the deficiency in each year to be no more than 2,000,000*l*., how is it to be met or provided for? Either the poor must starve—which I am sure the hon. Gentleman would not wish to see; or the deficiency must be made up out of the Consolidated Fund, though he declares that under no circumstances is that fund to be resorted to; or his rate must exceed 1*s.* 6*d.* in the pound, though it is part of his plan that in no case shall it ever exceed that amount. I am sure the hon. Gentleman will not suppose that I mean any personal disrespect to him; but I must say of his scheme, which I have a right to discuss with all frankness and plain-speaking, that one more rash and ill-considered was never propounded to a British House of Commons. But the hon. Gentleman, by way of reconciling Parliament to his plan, says that the fund collected by means of his national rate is to be expended under local management. I beg the particular attention of the House to this point. I think as highly of local self-government as the hon. Gentleman can. The funds for the relief of the destitute poor have always been collected in this country within the limits of each parish, and have been expended either within those same limits, or at all events within the limits of the union to which the parish belonged. By means of local self-government, those who raised the money expended it. In this way, notwithstanding many anomalies and faults in the poor-laws, a greater degree of economy, and a more effectual check upon pauperism, have been secured than could have resulted from any system of national management. I believe also that habits of local self-government have exercised the most beneficial influence upon the character of the country. One of my strongest objections to the scheme of the hon. Member for West Gloucestershire is, that I believe, if it were adopted, this system of local management would become utterly impracticable. So much of jobbery and of wastefulness would spring up in every locality, that the nuisance would ere long become intolerable, and the country would demand, as a less evil, that the central Government should undertake to raise and expend the whole fund. Yet what an alternative would this be! A whole army of stipendiaries, who must be appointed and paid by the Government, would be necessary to discharge the duties now performed by the local authorities throughout the 15,000 districts in England and Wales, which maintain their own poor. Besides, how, in times of trouble and general distress, could any Government withstand the pressure, if it were known to hold the strings of the purse from which the destitute poor were to be fed? I am persuaded that such a state of things would be pregnant with the most fatal consequences to public order and to all the best and dearest institutions of the country. Sir, upon all these grounds, and regretting only that I have been compelled to trespass upon the attention of the House so long, I think it my duty to meet this proposition with a decided negative.

MR. GRANTLEY BERKELEY, in reply, said, that his Motion did not make it imperative that the rate should be limited to 1*s.* 6*d.*, although, in his opinion, with proper management, it might be reduced to 4*d.* But even at 1*s.* 6*d.* the rateable property would be sufficient for the strict poor-rate, which was all he contemplated. However, his only object had been to raise the question, and therefore he should not trouble the House by asking it to divide.

Motion, by leave, withdrawn.

HOME MADE SPIRITS IN BOND.

LORD NAAS rose to move—

> "That this House do immediately resolve itself into a Committee of the whole House, to take into consideration the present mode of levying the Duties on Home Made Spirits in Bond."

It was, in effect, the same Motion which he had the honour to submit to the House last year, the principle of which was affirmed by a majority of the House on two occasions, and which was rejected the third time by a narrow majority of one. He did not desire to make any reduction in taxation, or to interfere with that surplus which was a subject of such gratification to the Chancellor of the Exchequer. The claim was one of simple justice, which should not be determined by the general state of the revenue, but on its own inherent merits. He knew it was a subject of a somewhat dry and uninteresting nature, and perhaps one of intricate detail. However, he trusted the House would give him its attention while he would state, as clearly as he could, the grounds of his Motion. The complaint he had to make on the part of those interested in Irish spirits was, that the duty was levied, not on the quantity of spirits that went into consumption, but on the quantity originally measured into the spirit receiver, or what was technically called the worm-end, so that if the spirits were left for a considerable time in bond, the owners had to pay a duty on a considerable quantity that had been lost by waste and evaporation; so that in point of fact the distiller and spirit trader had invariably to pay duty, in the case of bonded spirits, on an article which was actually not in existence when the duty was paid. The distiller is the only manufacturer in this country subject to such a restriction; no other manufacturer pays duty on an imaginary article. In his own trade, too, he is exposed to unfair competition with the manufacturer of foreign spirits. By the Customs regulations the Dutchman may bond his gin, the Frenchman his brandy, the West Indian his rum; but he will pay, not on the quantity as placed originally under the Queen's lock, but on the amount as it goes into consumption; so that the home distiller and trader is subject to a loss which invariably occurs from leakage and evaporation, from which the foreign producer is totally exempt. Now, what were the objections to this just demand? They were merely these, that it was an unsettlement of a great question as arranged in 1848; that it would occasion considerable loss to the revenue, and open a door to fraud. Now how was this great settlement made? The House must remember that the distillers and spirit dealers were no parties to that arrangement. The decision of the Government was come to in consequence of the report of the Committee on Sugar and Coffee Duties, of which Lord G. Bentinck was chairman. There was no Irish Member on that Committee; there was no Irish witness called; the case of the distillers was only introduced incidentally, and in fact the whole matter was settled without reference to the spirit question at all. The House would understand him, when they heard the opinion of the Chairman of that Committee, delivered in July, 1848, when the House was in Committee on the Rum Duties. Lord G. Bentinck said—

> "There was one point which the Irish Members were entitled to have placed before the House, and that was, that the Committee of which he had been chairman had inquired into the question of the Rum and Spirit Duties only incidentally; that no Irish Member was upon the Committee; that no Irish witness was called, and that consequently the distillers were entirely unrepresented."

But look to the report of that Committee. He found four sets of resolutions submitted to the Committee, and out of these four only one alluded to the distiller's case at all; that one was proposed by Lord G. Bentinck, rejected by the Committee, and the one ultimately adopted never alluded to the subject at all. He thought that might be taken as a proof that the distillers were no parties to the settlement which had been come to on this subject. But, assuming that the measure of 1848 was a settlement of the question, and that the distillers were satisfied with it, what was the basis on which it was made? There was a differential duty between colonial and home-made spirits, but it was not made in any degree by way of protection; it was merely laid on as an equivalent, and a very inadequate equivalent, for the restrictions and disadvantages under which the home distillers laboured on account of the laws enacted for securing the revenue. The differential duty between the colonial and home-made spirits was 4*d.* per gallon. Now, the Member for Westbury said last year, that the duty on decreases formed a considerable item in the calculation on which that sum was determined; but what was the fact? The decision of the Government was come to in consequence of the statement of Mr. John Wood before the Committee; and what were the items of his calculation? Malt duty, 1½*d.*; increased plant, 1*d.*; excise restriction, 1*d.*; duty on decreases, ½*d*—4*d*. So this considerable item has dwindled to ½*d.*, or one-eighth of the whole. But though the distillers thought that the 4*d.* duty was very inadequate recompense for the disadvantages under which they labour, they had no wish to alter the arrangement. If this differential duty is to be made a bar to their just claims, let the Chancellor of the Exchequer take his ½*d.*, reduce the differential duty to 3½*d.* in accordance with the views of his own Chairman of Inland Revenue, and do not make that any longer a plea for the continuance of an injustice. But it has been said that this measure, if carried, would open a door to fraud. This is most absurd; not only would every safeguard now adopted by the revenue be left in force, but many new means might be taken to secure it. There is nothing in this plan which would prevent the same mode of measurement being practised as it is now. But other means might be taken; for instance, the spirit receiver might be placed itself in bond, and many other means might be taken, which are not now possible, to secure the safety of the revenue, and the honesty of officials. At all events, the allowance for decreases would, doubtless, greatly encourage and increase the practice of bonding, which is admitted the greatest possible safeguard to the revenue. It was said, that the adoption of the plan he advocated would occasion a considerable loss to the revenue. He had never heard of any calculation as to the probable amount of that loss, and he believed it was a mere matter of speculation. His opinion was, that so far from any loss being sustained, if that plan were adopted, the revenue would be a considerable gainer. It would cause a great increase in the consumption of whisky, and that without any increase of intemperance, because the sort of spirits which would then come into consumption would be very different from that which was now consumed in the three kingdoms. The people would have ripe and proper spirit instead of the raw crude stuff, which they were now obliged to consume. With regard to the export trade in spirits, it was well known that during last year it had considerably decreased; and so far from its being a thriving trade, he found by the returns that while, during the last month, the exportation of rum from the United Kingdom amounted to 65,000 gallons, no mention was made during the last year of any exportation of spirits. Throughout the return the article of home-made spirits, which might form a valuable portion of our export trade, was not once mentioned. In point of fact, the retention of the present duty amounted almost to a prohibition of the export trade in that article. Now, let the House hear what the opinion of the spirit trade is on this subject. They state in one of their circulars—

> "It is seen that in the home market the foreign and colonial producers have every advantage over the home manufacturer, and as regards the export trade the latter is not a whit better off. 'Tis true, compelled by the flagrant injustice of the case, the Government have attempted to stop the complaints of the injured parties by a sham concession. Whisky may now be exported, under the same regulations as affect rum and brandy—provided it be declared by the manufacturer when bonding the spirits that they are for exportation."

This so-called relief is, however, not of the slightest value, for it is manifest that no manufacturer will so place his property, that he will not be enabled at any time to dispose of it in the best market and to most advantage. To be of the least use the plan must be carried out in its entirety. It was much to be feared, that the real objectors to this just demand were the English distillers. Why? Because they do not want it: they hardly ever bond at all—they sell their spirits hot from the still to the rectifier, and, therefore, cannot require it. There were only eight distillers in England, notwithstanding the enormous quantity of spirits consumed in this country. Owing to their being so few distillers,

they, in effect, possessed a monopoly of the trade, and they perceived that if the plan which he (Lord Naas) desired to see adopted were carried out, and the allowance granted to the Irish and Scotch distillers, it would considerably interfere with their monopoly. The noble Lord then read the following opinions of Messrs. Logie and Haliburton, Surveying-Generals of the Excise, which was delivered by them in 1833, when the differential duty was 1*s*. 6*d*.:—

> "When spirits remain any time in the duty-free warehouse, they fall off in strength often as much as five per cent, and also fall short in quantity, in many cases to the same amount. The duty is, however, charged on the original quantity and strength stored; the distiller has, therefore, not only to pay the duty in the first instance for the quantity wasted in store by evaporation and leakage, but he has again to pay for the difference in strength between 11 or 25 per cent, and the strength at which the spirits were actually taken out of store. This we consider a very great hardship, and it should, in our opinion, be immediately remedied. The board are aware that the importers of all foreign and colonial spirits may bond them duty free, and when taken out of the warehouse the duty is calculated according to the quantity and strength each cask is then found to contain, although perhaps years under bond; we think it would be but just that this equitable regulation, which the importers of brandy, rum, and hollands have so long enjoyed, should be extended to the distillers of these countries; indeed, we consider it would absolutely be necessary, in order to protect them."

The right hon. Gentleman the Secretary at War last year said, that this was a question which concerned the moral condition of the poor of Scotland, and that he could not give the proposition his support, because it would demoralise the people of that country by increasing intemperance among them. But so far was he (Lord Naas) from agreeing with the right hon. Gentleman, that his opinion was the measure would tend to improve the habits of the people of Scotland, because (as he had said before) the spirits they would consume would be of a better quality. He (Lord Naas) would be the last man in that House who would propose a measure which could, by any possibility, increase intemperance. But he felt convinced such would not be the effect of this measure. In bringing forward this question, he felt that he was pleading the cause of the poor man, for if hon. Gentlemen had seen, as he had, the constant employment afforded to the inhabitants of small counties by the existence of distilleries, and the ruin which had been occasioned by some of those establishments being thrown out of work, they would reflect before they would oppose the Motion, having for its object the removal of a heavy restriction on so important a branch of industry. He hoped he had proved to the satisfaction of the House that the concession of this demand would not be an unsettlement of the question; that it was not likely to cause any great loss to the revenue; that it would not open a door to fraud; that it would encourage the export trade in spirits; that it would not increase intemperance; that it would give additional employment to the poor; and, lastly, that it would be a very important measure in an agricultural point of view, by increasing the markets to the farmer. He relied only on the justice of the case, and on that ground alone he hoped that the House would decide in favour of his Motion. The noble Lord concluded by moving, that the House resolve itself into a Committee, to take into consideration the present mode of levying the duty on home-made spirits in bond.

Motion made, and Question put—

"That this House do resolve itself into a Committee to take into consideration the present mode of levying the Duty on Home-made Spirits in bond."

Mr. ROCHE seconded the Motion.

Mr. J. WILSON said, he felt bound to compliment the noble Lord (Lord Naas) for the clear and temperate manner in which he had brought his Motion forward; but as the question had been already settled by a Parliamentary Committee, and subsequently by the House, in consequence of the Report of that Committee, he did not feel it necessary to enter again at any great length into the subject. If there was one question more than another which engaged the attention of the Committee of 1848, it was the arrangement of the spirit duties. It was true no Irish distiller was examined before that Committee, nor was there any Irish Member on the Committee. When that Committee was appointed, it was not contemplated to make the spirit duties the subject of inquiry. That would fully account for the fact of there not being any Irish Member on the Committee. Although the original intention of the late Lord George Bentinck excluded the spirit duties from consideration, yet during the discussions which took place before the Committee, the rate of duty levied on colonial rum became so important a subject that the whole question of the spirit duties was necessarily involved in the inquiry. Now, although no Irish distiller was examined, a Scotch distiller of great eminence and ability, and a person capable of giving the fullest information on the subject—Mr. Greig—was examined with regard to the Scotch distilleries; and, as he (Mr. Wilson) understood the noble Lord (Lord Naas) to place the claim of the Irish and of the Scotch distillers on the same principle, he thought their case could not have been left in better hands. With regard to the differential duty, although he believed the noble Lord (Lord Naas) was correct in his statement generally, yet he would find from subsequent discussions that ensued, that a more correct estimate was afterwards made as to the component parts of that 4*d.* which constituted that differential duty. Some misunderstanding had arisen as to the amount of deficiency of spirits in bond, arising from a considerable error in some returns which had been made to Parliament some time ago with regard to the deficiency in bonded rum. In those returns the average loss for a number of years was stated to be 3½ gallons in the 100, but on further examination it turned out that instead of 3½ it was 2½ gallons in the 100. Bearing this in mind, and taking the Scotch duty at 3*s.* 8*d.*, the deficiency of 2½ gallons per 100 would amount to but a fraction more than 1½*d.* a gallon; and in the same proportion in regard to the Irish spirits, on which the duty was 2*s.* 8*d.* But taking the actual quantity of spirits warehoused in Scotland and Ireland in the year 1850, and estimating the deficiency by that of rum, it amounted in the one case to 1⅒*d.*, and in the other to 1⅛*d.* per gallon. Again, the Irish and Scotch distillers had the advantage of the allowance, not only on the spirits which actually went into bond, and on which the loss arose, but on that which went direct from the distiller to the consumer, and on which there was no loss at all. Of 11,500,000 gallons of spirits made last year in Scotland, only 7,300,000 went into bond, the other 4,200,000 having gone direct to the consumer. It was the same with regard to Irish spirits, of which out of 8,300,000 gallons distilled, only 6,295,000 went into bond. The noble Lord (Lord Naas) had referred to the local distress arising from the falling-off in the number of distilleries in Ireland, which he attributed to the undue competition of colonial spirits. He (Mr. Wilson) was aware that the number of distilleries had diminished; but the whole tendency of manufactures was for the smaller to give way before the larger enterprises, consequent on the introduction of machinery and the additional demand for capital which followed. And this, he believed, was in point of fact what was occurring in respect to the manufacture of Irish spirits; for while the number of distilleries was diminishing, the quantity of spirits made was increasing enormously. In 1841, there were 82 distilleries in Ireland, and the quantity of spirits produced was 6,400,000 gallons; but in 1850, when the number of distilleries had fallen to 53, the quantity of spirits distilled had risen to 8,236,000 gallons. The noble Lord complained of the injury the Irish and Scotch distillers were suffering from the competition of colonial spirits in the home market. Now, he found that in 1847, the year following the change in the rum duties, the quantity of home-made spirits consumed in Ireland was 6,037,000 gallons; but, in 1850, after four years of competition at the reduced duty, it had risen to 7,408,000 gallons. So that in the face of this competition, which was said to be so unequal and so unfair, the consumption of home-made spirits in Ireland had increased by 1,371,000 gallons in four years. Then there was a complaint by the Irish distillers that their trade with England had fallen off. [Colonel DUNNE: Hear, hear!] He understood the cheer of the hon. and gallant Member. But let the hon. and gallant Member look to the trade as it had existed from 1841. In that year the export of spirits from Ireland to England was 350,000 gallons; in 1842 it was 294,000 gallons; in 1843 it was 384,000 gallons; in 1846 it rose from various causes to the enormous amount of 1,418,000 gallons; and though it had since fallen, as compared with that year of extraordinary demand, it amounted last year to 828,000 gallons—a very considerable increase on the average of 300,000 gallons, at which it stood eight or ten years ago. But let hon. Gentlemen inquire whether the decrease since 1846 had not arisen from an increase in the consumption in England of British spirits of other than Irish manufacture. There could be no ground for saying that Scotland was placed in a more favourable position than Ireland, yet he found that while the quantity of Irish spirits imported into England had fallen off, the import from Scotland had increased since 1846 from 1,900,000 to 2,600,000 gals., which more than compensated for the decrease in Irish spirits. The total import of Irish and Scotch spirits had increased from 1842 from 1,900,000 to 3,400,000 gals., which was the quantity imported last year. But it was said that colonial spirits, at the low duty, was successfully opposing the British spirits in the home markets, especially in Scotland. In 1841, when rum was at the 10*s.* duty, the consumption of Scotch spirits in Scotland was 5,980,000 gallons; in 1850, when they had the competition of rum at the low duty, it had risen to 7,122,000 gallons. Where then was the pretence for saying that the low duty on colonial spirits was operating injuriously on home-made spirits? Taking the United Kingdom as a whole, he found that so far from the competition of colonial spirits showing any unfavourable result to the home producer, the result really was unfavourable to the colonial and favourable to the home producer. He did not mean to say the duty charged on colonial spirits was unfairly high; but there was no pretence for saying that the duty was so low that it operated injuriously on the home producer. In 1848 the quantity of home-made spirits distilled in England, Ireland, and Scotland was 22,202,000 gals.; in 1850, it was 23,862,000—an increase of 1,660,000 gals. in two years under the operation of the low duty on colonial spirits. Now what had taken place with regard to rum? In 1847 the consumption in the home market was 3,328,000 gallons; last year it was only 2,902,000 gallons, being a decrease of 426,000 gallons. With these facts before them, would any man say that the arrangement made in 1848 as to the rum duties was unfair to the home producer? The noble Lord had also referred to questions as between the Irish and Scotch distillers, and the English distillers; but the House could not well be engaged in a more delicate or difficult inquiry than into matters relating to the relative advantages of trade in the three countries. He (Mr. Wilson) believed he was correct in saying that while the Irish and Scotch distillers had the advantage of sending their spirits into this country without paying any duty in their own countries, and bringing it in here in bond, the English distiller was prohibited from sending his spirits either into Ireland or into Scotland. [An HON. MEMBER: No, no!] English raw spirits might be introduced into those countries, but not, he believed, compound spirits, which alone was consumed. Compounded spirit was certainly prohibited from going from this country into either Ireland or Scotland; and was not this a great hardship? He therefore believed a very strong case of inequality might be made out by the English distiller, and that if there was any ground of complaint it was on the part of the English distiller, and not on the part of the Irish or Scotch distiller. For, what did he find? He found that the consumption of English manufactured spirits during the last ten years had been stationary, or something worse; for instance, in 1841 it was 5,900,000 gallons, and last year it was 5,800,000 gallons, or about 100,000 gallons less. Was there anything in that fact to induce the belief that the arrangements of the Excise had been more favourable to the English than to the Irish or Scotch distillers? The English distiller could make out a strong case, for, while his productions had been declining, the consumption of the home market of England had increased rapidly, as was proved by the export into this country from Ireland and Scotland. As a confirmation of this, he found that, while English spirits had gone back 100,000 gallons from 1841, there had been an increase in the same period of nearly 2,000,000 gallons in the Irish and 2,000,000 gallons in the Scotch spirits. Was there anything in this to make a man believe that the Excise favoured the English distiller rather than the Scotch or the Irish? Another complaint which the Irish and Scotch distillers made was with regard to the competition of rum. The duty charged upon rum was, in each division of the kingdom, 4*d.* per gallon more than the duty charged on the home-made spirit; and he understood the complaint they made was that this difference of 4*d.* was not sufficient to countervail the Excise restrictions. But he thought this complaint could not be well founded, because he had shown that, in the face of this competition, the quantity of Scotch and Irish spirits had increased more than almost at any former period, so that there was really no just ground for this cause of complaint. As far as regarded the falling-off in the amount of labour employed, he thought that complaint also was answered by the improvements in the manufacture. He had thus endeavoured to show that the complaints of the noble Mover of the Motion were unfounded. There could, in fact, be no doubt that, after the arrangement made in 1848, were the Irish distillers to succeed in obtaining an alteration by which they would be still further benefited, the importers of colonial spirits would have just cause to demand a corresponding reduction in the amount of their countervailing duty; and if that reduction were obtained, then the relative position of the two parties would be the same as it was at this moment. He hoped the House would not listen to the Motion of the noble Lord, seeing that it could only end in the diminution of the spirit duty altogether, which was not the first duty they would concede, were they disposed to make any further reduction in the taxes of the country.

MR. REYNOLDS said, that the hon. Gentleman who had just resumed his seat had spoken of some arrangement agreed to in the Committee of 1848; but he (Mr. Reynolds) was not aware that any Irish or Scotch Member had been a party to that arrangement. The Scotch and Irish Members certainly never looked upon it as a settlement of the question. The hon. Member (Mr. J. Wilson) himself admitted that not one Irish Member was on the Committee of 1848, and not one Irish witness was examined before it; but, he added, that one Scotch distiller was examined before the Committee. That certainly was the crumb of comfort thrown out to the Scotch and Irish distillers by the great figure Member for Westbury. The hon. Member's speeches were remarkable for one thing—they were always full of figures. It was by the help of these figures the hon. Member thought he could succeed in persuading the Irish distillers that they were very indulgently treated. It was with utter astonishment he had heard the hon. Member quote figures which never had any existence except in his own fertile imagination. The hon. Member said that the loss from leakage and evaporation in Ireland was $1\frac{1}{8}d.$ Where had he got those figures? Then the hon. Member, crossing the Tweed, informed the House that the loss in Scotland from leakage and evaporation was $1\frac{1}{10}d.$ He should like to know where the hon. Member obtained that information also, because he (Mr. Reynolds) was unable to find it in any documents to which he had access. He held in his hand something like an official document, it being a certificate respecting 12 puncheons of Irish whisky placed in the Queen's stores in Dublin, from which it appeared that the total deficiency on those puncheons was 142 gallons; and from an accurate calculation that represented a loss of $8\frac{1}{4}$ per cent on each of the puncheons, and not $1\frac{1}{8}d.$ as the hon. Member for Westbury represented. The hon. Member, in attempting to explain the grounds on which the countervailing duty of 4*d.* was imposed on colonial spirits, had once stated that 1*d.* was for plant, $\frac{3}{4}d.$ for another kind of plant, and 1*d.* for something else, and then he said that these items made up $3\frac{1}{2}d.$ of the duty, whereas they amounted to only $2\frac{3}{4}d.$ It was well known that $3\frac{1}{2}d.$ of the 4*d.* duty was intended to meet the enormous expense incurred by the Scotch and Irish in comparison with the colonial distillers. It followed, therefore, that only one halfpenny was allowed for leakage and evaporation. What was the complaint of the Irish distillers? The manufacturers of 8,000,000 gallons of Irish spirits annually used 1,000,000 bushels of oats. A barrel of oats made 8 gallons of proof whisky. Now, what they contended for was, that if they put the Irish distillers on a footing with the manufacturers of foreign and colonial produce, they must emancipate the former class—the Irish distillers—and make Ireland an exporting country. The hon. Gentleman (Mr. J. Wilson) in coupling Ireland with Scotland, did not give the relative figures; but he (Mr. Reynolds) had endeavoured to supply the gap. From a paper lately laid before Parliament, it appeared that Scotland sent yearly into England 2,600,000 gallons, whilst Ireland sent to this country only 800,000 gallons. There was a drawback upon malt, of which he knew Scotland availed itself to an extent far greater than Ireland was enabled to do. They had, however, passed an Act in 1848, enabling Irish distillers to bond spirits in England. But whereas the spirits bonded in Ireland was only liable to a duty of 2*s.* 8*d.* per proof gallon, that bonded in England was liable to a duty of 7*s.* 10*d.* And what was still more unjust —the Irish distiller was obliged to pay this high duty not merely on the quantity when it left the stores, but upon the quantity when it was placed there, making him pay, in fact, duty on the leakage and evaporation. The Irish distiller was thus placed in a much worse position than the Spaniard, the Portuguese, or the Frenchman, who was only obliged to pay for the quantity which was taken out of the stores, and not upon that which had leaked and evaporated. The case was harder than it at first seemed; for whereas the foreign brandy was mellowing and improving in the stores, and was much more valuable when removed after five or six years, it was only charged duty upon what remained in the casks; but the Irish whisky had to pay duty in Ireland upon the full quantity, and had to pay duty in England upon the full quantity, however great the leakage and evaporation might be. Take the case of a 120 gallon vessel of Irish whisky. The distiller was obliged to pay duty on the whole quantity first measured as soon as it was taken into the stores, and it was obliged to pay according to its strength, so that though it might be 25 per cent above proof, and lose half its strength in storage, the distiller was obliged to pay according to its original strength, with (as he had already stated) no allowance for leakage or evaporation. The merits of the question, he maintained, lay in a nutshell, and ought not to be mystified in the manner which the hon. Member for Westbury had done—he had no doubt unintentionally. It had been said that this was a spirit dealer's question. He totally and entirely denied the truth of that assertion. It was a labour question and an agricultural question. He had been told that a number of the Irish representatives intended to vote against the Motion. He did not believe it. The Irish representatives, like the representatives of England and Scotland, differed among themselves upon political and religious questions; but the present question involved the prosperity of Ireland, and he believed it would be found that they were unanimous upon it. The Government had been already placed in jeopardy upon this question upon a former occasion, when they had but a majority of one. He trusted that to-night there would be a large majority against them, and that the Motion of the noble Lord would be carried.

Mr. BONHAM CARTER would oppose the Motion, on the ground that it would tend to confound the distinctions which had always hitherto existed between Customs and Excise duties—the duties in the latter case being paid at the earliest possible period, which was the simplest, the most economical, and the freest from fraud of any method that could be devised. He also opposed the Motion on the ground that at present the Scotch and the Irish distillers had a considerable advantage over the English distillers; and if this Motion were passed, it would give them a still further advantage. He thought that if there was a case for anything, it was for a Committee upstairs; but that it would be doing injustice to many parties if they affirmed the Motion of the noble Lord; and he should, therefore, give his vote against it.

MR. GROGAN said, that the hon. Gentleman who had last spoken had argued against the opening of the market of England to the distillers of Ireland and Scotland. That was a strange argument to be used by those hon. Gentlemen who had opened the market of England to the whole world. Hon. Members who supported the Motion of the noble Lord (Lord Naas) asked simply that the Irish and Scotch distillers should be put upon the same footing with the importers of colonial rum—that their spirits should be measured when they came out and not when they went into bond. The hon. Member for Westbury (Mr. J. Wilson) had admitted the decrease or waste of spirits in bond to be about $1\frac{1}{8}d$. or $1\frac{1}{10}d$. The admission was of some importance, though accompanied by the declaration that it was accounted for in the 4*d*. of differential duty. He (Mr. Grogan) would on this matter refer to the evidence of Mr. Wood, Chairman of Excise. What did Mr. Wood say? Mr. Wood stated that the 4*d*. of differential duty between colonial and British-made spirits was just and right, because of the peculiar charges to which the latter were subjected. The British distiller had, first of all, the malt duty, which was $1\frac{1}{2}d$.; then the increased expense of manufacture was set down at 1*d*.; and the restrictions to which the British distiller was subject, from which the colonial producer was exempt, were estimated to be compensated for by another 1*d*., leaving one $\frac{1}{2}d$. out of the 4*d*., on account of waste and decrease in bond. Now if they received the statement of the hon. Member for Westbury (Mr. J. Wilson), his noble Friend (Lord Naas) was certainly at least entitled to demand the difference between the $1\frac{1}{8}d$. and the $\frac{1}{2}d$. His hon. Friend (Mr. Reynolds) had, however, shown the diminution which took place in the spirits bonded at Dublin, and he (Mr. Grogan) could not understand how the hon. Member (Mr. J. Wilson) could reconcile that with his statement. The simple, narrow bearing of the whole question was this: if a puncheon of foreign brandy was bonded at Liverpool, and remained five or six years in bond, it was during that period mellowing and improving, and becoming more fit for the market, not at the expense of the importer, because when taken out of bond he only paid duty on the then strength and quantity; but if a puncheon of whisky from Ireland was bonded at Liverpool in the same way, the duty would be paid on the quantity and strength when first manufactured, and not upon the quantity and strength when taken out of bond, though it would have decreased in the course of the five or six years, exactly the same as the puncheon of foreign brandy. Figures could not mystify the fact; that was the real state of the case. The hon. Member for Westbury (Mr. J. Wilson) had endeavoured to place Ireland and Scotland in invidious comparison as to the growth of the spirit manufacture; but they were both complainants of the injustice they suffered under the Excise laws. They were not opponents on this occasion, but were, as last Session, thoroughly united against a common wrong; and if the amount of spirits manufactured had increased, there was a proportionate increase of the grievance. As to there being a more thriving trade in spirits, because the number of gallons manufactured had increased, notwithstanding the number of distillers had decreased, he thought it more advantageous that the manufacture should be distributed over the country amongst a large number of small distillers than consolidated in the hands of a few large capitalists. That was, however, beside the question. Ireland, which was an agricultural country, had in its agriculture been struck down by legislative enactments, and the question was, whether additional injustice was to be inflicted on its trade. What they asked for was, a slight modification of the Excise laws, which could not admit of fraud, but would place the Irish and Scotch bonder on the same footing as the bonder of foreign spirits.

MR. MILNER GIBSON, as a Member of the Committee on the Sugar Planting and Rum question, before which evidence and discussions of a most complex nature had been taken, wished to give the House the impressions left on his mind. He admitted what had been said with regard to the evidence of the Chairman of the Board of Excise; but he was always disposed to receive with considerable caution the statements of officials where revenue was concerned, and the statements of special interests when they came to Parliament, as in this case, to ask for an alteration of differential duties. His (Mr. Gibson's) impression was, on the whole, that as between colonial rum, and Irish, Scotch, and English spirits, 4*d.* was a fair difference of duty to meet the disadvantages under which the British and Irish distillers laboured. Hon. Gentlemen who came forward on this question proposed that these disadvantages should be lessened, but that the 4*d.* of differential or countervailing duty should still be retained. Now if they did this, the House would very likely be occupied with complaints from the colonial rum producers, who would say that they had altered the former arrangement, and had placed colonial rum in England at a disadvantage as compared with Scotch and Irish spirits. If they increased this differential duty—this protection, as it were—he had not the least doubt that there would be such a complaint forthwith from the producers of colonial spirits. The spirit interest in the United Kingdom enjoyed great advantages. Hon. Gentlemen talked about the advantages conferred on foreigners; but let them look at the position of Irish as compared with foreign spirits. They had a duty of 2*s.* 8*d.* on Irish spirits; and how much was the duty on foreign spirits? It was 15*s.* a gallon. That was 15*s.* as against 2*s.* 8*d.*; and yet this was the very interest which pretended to be placed in a position of great difficulty, as if it did not already enjoy considerable advantages at the expense of the consumers of this country. A penny had been considered a fair recompense for the decrease of the spirits in bond, and he (Mr. Gibson) thought the remaining 3*d.* formed a reasonable compensation for those Excise restrictions imposed on Irish, Scotch, and English distillers, to which colonial producers were not subject. Under these circumstances—until inquiry were made, and evidence taken to show that the Committee which had considered the subject had formed wrong impressions—he must give his vote against the proposal of the noble Lord (Lord Naas). If that proposition were carried, he (Mr. Gibson) must look upon it as tantamount to little less than a demand on the part of the distillers to have protection in some degree as against the producer of colonial rum.

Mr. HUME said, that from the debate they had heard one would imagine that the question before the House was an Irish one; but he had to remind the House that Scotland was equally interested in the matter. Last year he had voted for the Motion of the noble Lord (Lord Naas). That Motion was simply this: that Irish and Scotch whisky should be placed on the same footing with French brandy, Dutch gin, and Jamaica rum. It was unreasonable on a matter of this kind to raise the cry of protection. Was it fair that the Frenchman, importing 100 gallons of brandy and losing 10 gallons, should be allowed to pay for 90 gallons, while the distiller placing the same quantity of whisky in bond, and losing also 10 gallons, should be charged on those 10 gallons he had lost. He could not understand why Her Majesty's Government resisted the putting of Ireland and Scotland on an equality with the colonies and foreign countries in this matter. With these views he should certainly vote with the noble Lord (Lord Naas).

Sir GEORGE CLERK, though connected with Scotland, would not give his vote for the Motion of the noble Lord. The hon. Member for Montrose (Mr. Hume) must remember that since he first came into Parliament they had had to deal with the difficulties of permitting an intercourse in the trade in spirits between the three portions of the United Kingdom—England, Ireland, and Scotland. Owing to the necessity of raising different rates of duty, and the different modes in which the duty was assessed, it was perfectly impossible, even for those acquainted with the mystery, to tell what was the proper equivalent to charge on spirits removed from one part of the United Kingdom to another. In 1825 the difference of duties in the three parts of the United Kingdom was removed, and consequently there were no longer obstacles to a free intercourse in the trade in spirits. That was a boon to Scotland and Ireland, from which they had derived the greatest benefit. But, in addition, they were allowed to warehouse the spirits for an indefinite period, and were not called on to pay the duty until the spirits were taken out of bond for the purpose of being sold and coming immediately into consumption. A special part of that agreement for warehousing spirits was, that the amount of duty should be charged, not on the principle which regulated Customs duties, but according to the quantity ascertained when the spirits were manufactured. He should regret to see that arrangement disturbed; he had heard nothing in the arguments urged by the noble Lord (Lord Naas), or by the hon. Member for the city of Dublin (Mr. Reynolds), to induce him to consent to any alteration; and believing the alteration proposed would be unjust to the English and colonial distillers, and probably injurious to the Irish and Scotch distillers themselves, by driving the English distillers to interpose impediments to the free intercourse between the three parts of the United Kingdom, he should vote against the proposition.

COLONEL DUNNE thought it was perfectly clear that the hon. Gentlemen who had just sat down did not represent a Scotch county. His arguments were most fallacious. The hon. Gentleman on the Treasury bench (Mr. J. Wilson) had stated that the arrangement had existed three years, whereas the last speaker had gone back twenty-five; but he did not think the right hon. Baronet (Sir George Clerk) had made out any better case; for rum also paid the duty when taken out of bond, and yet the allowance was made to it which was denied to whisky. Then, again, one supporter of the Motion had stated the estimated decrease of the spirits in bond at ½*d.*, while another had stated it at 1*d.* per gallon. He would, therefore, leave them to settle the difference between them, and he was sure that the House would put very little confidence in the statements which either of them had made. The hon. Member for Westbury (Mr. J. Wilson) had taken notice that he (Colonel Dunne) had cheered him; but he had done so for two reasons: first, because he had admitted the general distress of Ireland; and, secondly, because he had admitted that the spirit markets in particular were considerably lower. The hon. Gentleman had made his comparison between the present period and the year 1841; but then every one knew that 1840 and 1841 were the years in which the temperance movement took place, and in which a considerable decrease had resulted from that cause. But, he would ask, why had not the hon. Gentleman taken the year 1839? He then would have found that 12,000,000 gallons of Irish spirits had been bonded, while now the annual return was little more than 7,000,000. He thought that the Irish Members and the House could not trust much to the arguments of the hon. Member for Westbury, or of the right hon. Member for Manchester (Mr. M. Gibson); and still less to those of the right hon. Member for Dovor (Sir George Clerk). It was simply a question whether the Irish distillers should be charged duty on a quantity which did not exist. He should support the Motion of the noble Lord (Lord Naas).

The CHANCELLOR OF THE EXCHEQUER could not say that he quite agreed with the hon. and gallant Gentleman in his view of the nature of the question. The question was not at all whether it was right to charge the Irish and Scotch distillers in a particular way; but whether they ought to make any change in that mode of levying the excise duties which, it was agreed by the common consent of all persons conversant with the subject, was the fairest and the safest, namely, the uniform system, which as the right hon. Member for Dovor (Sir George Clerk) had stated, was established for the benefit of the Irish and Scotch distilleries, because, without that uniformity, it would have been impossible to permit that free interchange which took place throughout the United Kingdom. The hon. Member for Westbury (Mr. J. Wilson) had mentioned—and the House would perfectly agree with him—the utterly opposite principle on which excise and customs duties were levied. The principle of customs duties was, that the payment should be delayed to the latest possible stage, whereas in excise duties it was desirable that they should be paid as early as possible in the manufacture of the articles, so that they might exempt the parties as quickly as they could from the supervision of the excise officer. The hon. Member for Montrose (Mr. Hume) who always appeared to be in constant fear of the exciseman, would not, he was sure, contravene that doctrine. He (the Chancellor of the Exchequer) was not going to impute to the noble Lord (Lord Naas) any desire to encourage fraud; but still it must be apparent that his Motion would open a door to fraud, unless they were prepared to adopt more stringent measures than the noble Lord wished to propose. It had been said that it was a question to enable the Irish and Scotch distillers to import their spirits fairly into England. Now the real question was, whether the Irish and Scotch distillers should be allowed to keep their spirits in their warehouses as long as they pleased, and only to pay duty as it came out of the warehouse, instead of at the worm's end. Such a principle would open a great door to fraud; because, under such a system, all that could be abstracted and brought away without paying duty would be a clear gain to the distiller, whereas all that was abstracted now was a clear loss to them. It was quite true that no Irish distiller was examined before the Committee of 1848; but both English and Scotch distillers were examined, and the evidence of the English distillers was clear upon the point that such a system as that proposed by the noble Lord would be most unsafe to the revenue. At present the interests of the owners of spirits in bond were identical with those of the Government; for they had just as much reason as the officers of the revenue to take care that no portion of the spirits should be abstracted while it was there. If, however, the owner should be made a gainer by every gallon that could be abstracted, it was clear that a great temptation to fraud would be created. It was evident, then, that if the Motion of the noble Lord were passed, it would become necessary, with a view to protect the revenue, that many facilities now enjoyed by the distillers should be withdrawn; and that distillation should be prohibited in many places where it was at present allowed. The noble Lord had stated last year that the whole of the Irish and Scotch distillers were ruined in 1848, and last year that they were considerably injured by competition with the colonies. Now if that had really been the case, the result must have been an increased consumption of colonial spirits, and a diminution in the home-made spirits; but the contrary had taken place, and the noble Lord had therefore shown great discretion in abstaining from a repetition of that argument; because, if he had not, the facts of the case would have utterly disproved his statement. There had been an increase in the consumption of Irish and Scotch spirits of 600,000 gallons; a diminution in rum of 140,000; and in foreign brandy of 300,000 gallons. The noble Lord (Lord Naas) had said it was not a case in which a question of revenue was concerned; but he (the Chancellor of the Exchequer) begged entirely to differ from the noble Lord on that point. He must take leave to appeal to hon. Gentlemen on both sides of the House upon this matter, since their decision on last Friday. Supposing everything was fair—that no fraud whatever was committed, it was quite clear that revenue to a considerable amount must be lost by the proposal of the noble Lord. If duty was to be received on a less amount of spirits than before, the revenue must be less; and a loss must take place in another way, for whatever concessions were made to the home distillers, to make up for the advantages which the foreign producer had, a corresponding concession must also be made to the colonial producer, so that there would be a loss, at the same time, upon colonial spirits. Hon. Gentlemen opposite were anxious to repeal the income tax, and hon. Gentlemen on that side of the House were as anxious to reduce the window tax and the duties on foreign imports; but he appealed to them whether it was not equally desirable for them both not to meddle with this particular subject. He thought he might also appeal to the Irish Members themselves; for they, too, were interested in getting rid of burthensome taxes, and he would ask whether, on the whole, there could be a better tax than one on spirits? Nor could they say that they were unfairly treated, for while the English duty was 7*s.* 10*d.*, the Scotch was 3*s.* 6*d.*, and the Irish 2*s.* 8*d.* Were there not rather good grounds for saying that they ought to pay as much duty as the English? He did not propose to raise their duty, but he did ask the House to maintain what was already paid. He appealed to those hon. Gentlemen who were anxious that the revenue should be maintained, to remember that last week one very large and important amount had been put into a state at least of some jeopardy. [*Cheers.*] Well, he was very sorry for it, because he thought that the finances of this great country should not have been endangered by such a vote; but it was, at all events, incumbent on them that those items against which no serious objections were entertained should be maintained unimpeached. It was the duty of them all to maintain the credit of the country, whichever side should eventually succeed.

Mr. NAPIER rose amid loud cries of "Divide!" He said that the right hon. the Chancellor of the Exchequer had formerly said that no duty should be maintained which was perpetrating an injury. Now he believed the present Excise duty did work great injury, and he thought that the division of the other night had, at least, taught them this lesson—namely, that the House would not consent to any scheme of financial aggrandisement at the expense of justice; and it was because he considered that the present system was founded on injustice that he gave his most cordial support to the Motion of the noble Lord (Lord Naas). It was very intelligible why so much stress had been laid upon the evidence of the English distillers, because it was not to their interest to support this Motion, but quite the reverse. It appeared from a recent return, that while the English had only bonded 11,814 gallons, the Scotch had bonded 7,000,000 gallons, and the Irish 6,000,000 gallons. Now, the bonding system was a boon chiefly to the smaller capitalists; and it was, therefore, evidently the interest of the great English monopolists (for there were only eight) to prevent the Irish and Scotch from taking advantage of the bonding system. The Irish distillers were now suffering a great injustice when colonial spirits had an advantage over home-made spirits.

Mr. ALEXANDER HASTIE said, he was rather astonished to hear the argument of the hon. Member for Westbury (Mr. J. Wilson), who said that an increase in the consumption of Irish and Scotch produce was evident proof that the duties which were levied upon them did not in any way limit that trade; for he was under the impression that he sat among Free-traders; and as Free-traders, they knew that England had prospered under protection, yet they advocated free trade, because they said it would increase her prosperity. When the same hon. Gentleman said the loss to the Scotch distiller was only 2½ per cent, and to the Irish distiller 3½ per cent, he must have been under the impression that the smallest of these was no great loss upon some trades, at all events. Another point which he attempted to make before the House was this: In 1847, he said the exportation of home-made spirits was so much, and in 1848-49 and 50, that it was greatly increased; but that hon. Gentleman must know that it was only in 1848 the Scotch and Irish distillers got the drawback on malt, which enabled them to take it into the foreign market. There was a fallacy also relating to the difference of 4*d.* in the duty on colonial and home-made spirits. The rum paid 3*s.* 8*d.* per gallon, and Scotch spirits 4*s.*; but the Irish were in much worse condition, for there the rum paid 3*s.* per gallon, and Irish spirits 4*s.* He hoped the House would support the noble Lord's (Lord Naas's) Motion.

Lord JOHN RUSSELL said, he considered this a Motion in effect to reduce the duty on Scotch and Irish spirits. Now he thought it was perfectly obvious that, if the duties were originally fixed with a view that they should be charged in the way in which they were now charged, if they either diminished the duties by so much, or altered the way in which the duties were charged, so that they amounted to 2½ per cent less, in one way or the other they diminished the duty on Scotch and Irish whisky. Therefore that was the plain question before the House. It might be a better way that all these Irish and Scotch spirits should only be charged after they had been a long time in bond. The objection to that was that it was liable to fraud; but supposing that objection not to apply, that might be a better mode than the present mode, but in that case they must arrange their duties accordingly. It was not the fact, as the hon. Member for Glasgow (Mr. A. Hastie) seemed to suppose, that where 4*s.* per gallon was charged on Scotch spirits, 3*s.* 8*d.* per gallon was charged upon rum. On the contrary, 3*s.* 8*d.* was charged on Scotch spirits, and 4*s.* on rum. And with regard to the statement made by the hon. Member for Dublin (Mr. Reynolds), who said was there not great unfairness if they allowed a different mode of paying the duty with regard to Irish spirits, and with regard to French brandy and Spanish rum, why, there was this to be considered, that while they were paying in Ireland a duty of 2*s.* 8*d.* per gallon, rum was paying 3*s.* and French brandy and Spanish rum were paying no less than 15*s.* per gallon duty; and therefore it was obvious that if they gave an advantage in this way to Scotch and Irish spirits, they must give a similar advantage to colonial rum, and Spanish rum, and French brandy. Then it came to a question of reducing the duty on spirits, and he did say, that as a question of revenue, that was not a duty he was prepared to reduce. He knew no other limit with regard to these duties on spirits than to have them not too high to encourage smuggling and fraud. He thought there could be no harm in having high duties on spirits, provided always they did not encourage smuggling and illicit distillation. Well, if that was not the case, and if, on the contrary, they found, as was pertinently observed by the hon. Member for Westbury (Mr. J. Wilson), that these Scotch and Irish spirits had gone on increasing in quantity, while English spirits had diminished, he thought that was a reason why the House should not diminish the duties. He must say he was against this change, in the first place, because he did not wish to diminish the duty on spirits generally; and, secondly, because he was not prepared to give an unjust advantage to the producer of Scotch and Irish spirits.

Mr. DISRAELI said, he should not have risen had it not been for the observations of the noble Lord. The noble Lord (Lord John Russell) said he admitted the justice of the proposition of his (Mr. Disraeli's) noble Friend (Lord Naas), but he said it was not brought forward in a proper manner. Had it been brought forward to remedy a fault in detail, it might be considered; but as a proposition to reduce the duties on Scotch and Irish spirits, he could not for a moment entertain it. The noble Lord said they talked of the injustice to the Irish or the Scotch distiller being subjected to a taxation from which the foreigner was exempt, from which the Spaniard or the Frenchman was exempt; why, the Frenchman and the Spaniard paid a duty of 15*s.* per gallon. But the fallacy of the noble Lord's observation was this—that the duty is paid by the consumer. Now, what his (Mr. Disraeli's) noble Friend (Lord Naas) was pressing on the House was the injustice weighing on the industry of the producer. The principle which the Government wished to oppose was this—that to benefit the consumer the industry of the producer shall be subject to an unjust restriction. Now, he understood that the noble Lord and his Colleagues were opposed to these unjust restrictions on industry. The noble Lord at last found refuge in this fallacy. He said, "Although I admit the injustice, still you cannot deny that the trade has increased." But because the trade was prosperous, was that any reason why it should be subjected to an injustice? If it could be shown that the prosperity of the trade was in consequence of other circumstances, those circumstances were no argument against the proposition of his noble Friend (Lord Naas). It was founded on the principle of justice which the House had repeatedly acknowledged; and the remedy was easy, and he trusted the decision of the House, as on Friday, would show that this routine in public offices, by which stereotyped reasons were given to justify their proceedings, would receive another check.

The House divided:—Ayes 159; Noes 159.

List of the AYES.

Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Baillie, H. J.
Baird, J.
Bankes, G.
Barron, Sir H. W.
Barrow, W. H.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G. F.
Bernard, Visct.
Best, J.
Blake, M. J.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Brooke, Lord
Brooke, Sir A. B.
Bruen, Col.
Buck, L. W.
Bunbury, W. M.
Burghley, Lord
Burroughes, H. N.
Campbell, hon. W. F.
Cayley, E. S.
Chichester, Lord J. L.
Child, S.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Colvile, C. R.
Conolly, T.
Cowan, C.
Crawford, W. S.
Dawson, hon. T. V.
Deedes, W.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Duncan, G.
Dunne, Col.
Edwards, H.
Farrer, J.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fortescue, C.
Fox, R. M.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. R. O.
Grace, O. D. J.
Granby, Marq. of
Grattan, H.
Greenall, G.
Greene, J.
Grogan, E.
Halsey, T. P.
Hamilton, G. A.
Hamilton, G. H.
Harris, hon. Capt.
Hastie, A.
Hayes, Sir E.
Henley, J. W.
Herbert, H. A.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Langton, W. H. P. G.
Lascelles, hon. E.
Lawless, hon. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lockhart, W.
Lowther, Hon. Col.
Macnaghten, Sir E.
M'Cullagh, W. T.
M'Gregor, J.
M'Neill, D.
Maher, N. V.
Meagher, T.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, W.
Moffatt, G.
Monsell, W.
Moody, C. A.
Moore, G. H.
Mullings, J. R.
Murphy, F. S.
Napier J.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Ossulston, Lord
Pakington, Sir J.
Plumptre, J. P.
Power, Dr.
Power, N.
Rawdon, Col.
Rendlesham, Lord
Repton, G. W. J.
Reynolds, J.
Roche, E. B.
Sadleir, J.
Scott, hon. F.
Scully, F.
Sibthorp, Col.
Somers, J. P.
Somerset, Capt.
Spooner, R.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sullivan, M.
Talbot, J. H.
Taylor, T. E.
Tenison, E. K.
Tollemache, J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walmsley, Sir J.
Walsh, Sir J. B.
Whiteside, J.
Wodehouse, E.
Wynn, H. W. W.

TELLERS.

Naas, Lord
Hume, J.

List of the Noes.

Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Blackstone, W. S.
Blair, S.
Blewitt, R. J.
Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Cardwell, E.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R.
Denison, J. E.
D'Eyncourt, rt. hn. C.T.
Divett, E.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Ferguson, Col.
Fitzwilliam, hon. G. W.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Gallwey, Sir W. P.
Gibson, rt. hon. M. T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Johnstone, Sir J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Loveden, P.
M'Taggart, Sir J.
Mangles, R. D.
Martin, C. W.
Matheson, Sir J.
Maule, rt. hon. F.
Milner, W. M. E.
Moncrieff, J.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Nicholl, rt. hon. J.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Peel, Sir R.
Peel, F.
Perfect, R.
Pigott, F.
Ricardo, J. L.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt.hn. SirW.
Stanton, W. H.
Strickland, Sir G.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townley, R. G.
Trelawny, J. S.
Trevor, hon. T.
Verney, Sir H.
Vivian, J. H.
Watkins, Col. L.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Wilcox, B. M.
Williams, J.
Willyams, H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Whereupon Mr. Speaker declared himself with the Ayes.

Mr. ROEBUCK said, he wished to put a question to the noble Lord at the head of the Government, on the extraordinary circumstances in which the Government of the country were placed. The House of Commons had now assumed, he would not say without just cause, not only the supervision of the Government of this country, but the actual Government itself. [*Cries of* "Oh, oh!" *and* "Hear!"] He could understand the "Ohs" of some disappointed follower of Government. The Government had been obliged to make three efforts to govern the country and tax it, wherein all their plans were modified by the House of Commons. He appealed to the noble Lord himself, as a man who had been brought up in the notion of constitutional principles of government—who had been governed throughout by the idea that the House of Commons was the supervising power, marking its sense and opinion of the Government by its majority—he asked the noble Lord, was he in a position to govern this country? With the principles and wishes of the noble Lord, being, as he believed them to be, for the onward progress of the Government, was it wise, was it politic, to say nothing as to honour, to retain the power of the Government under such circumstances? [*Cries of* "Oh, oh!"] It was all very well to say "Oh!" but let them understand what was going on. At the commencement of the Session they were told that certain things were to be done as to the tariff of this country. The right hon. Gentleman the Chancellor of the Exchequer gave an intimation of what he intended to do; and there was not one great mercantile concern in this country that had not been affected at the present time by the declarations of the right hon. Gentleman. Let not hon. Gentlemen suppose that this was a mere party matter. He was looking at it with reference to the country itself; and, if the House of Commons was so blind to the interests of the country as to keep them in that state, hanging like Mahomet's coffin between heaven and earth, let the House of Commons have the responsibility. But he appealed to the noble Lord—he appealed to him, as he had the responsibility upon that occasion, not to lend his authority to that state of things. He said then, that any Minister who regarded not only the interests of the country, but his own personal character, would not lend himself to such conditions. [*Cries of* "Oh, oh!"] It was all very well to say "Oh!" but he recollected an instance wherein the party of the noble Lord having put the Administration of the Duke of Wellington into a minority, one who was not now on the benches of the House of Commons certainly, but who had been exalted to the other House of Parliament, so soon as the minority was declared on that occasion, rose to ask the right hon. Gentleman, the late Sir Robert Peel, whether he was about to retain his Government after such a division. The noble Lord lived on minorities; but it was contrary to the interests of England, contrary to the spirit of our constitution, that any Administration should retain office by the difficulties of the opposition they met with—insulted every day by the conquests of that Opposition, and unable to advance in the principles on which the Government itself was founded. The noble Lord had now been defeated four times; and he would ask the noble Lord whether, upon those defeats on matters connected with the taxation of the country—on matters which were intimately connected with all our mercantile concerns—he thought it wise, under the circumstances, to continue in the position he held? He believed the noble Lord would more fully satisfy the desires of those who wished to advance the great principles upon which he supposed the noble Lord's Government was founded, if he said, "I will not lend myself any longer to such a state of things." If the House of Commons wished to take upon itself the administration itself, it ought to have the resposibility of finding an administration that would obtain a majority.

Lord JOHN RUSSELL: Sir, the hon. and learned Gentleman the Member for Sheffield has asked me whether I mean to retain office under the present circumstances? I believe he said he thought it injurious to the country that I should do so, and that the mercantile interests especially would suffer by that retention of office. The hon. and learned Member has a perfect right to put any question of this kind with a view to the interests of the country; but he has given me certain advice with regard to my own personal character which I most respectfully decline to take. I thank him for his good intentions, but I will take care of my own personal character myself. At another period, at a period when the Government of this country was in abeyance, and those to whom it had been offered had not resolved to undertake the charge of forming a Government, the hon. and learned Gentleman said in this House that he wished me to consider that the interests of the cause of free trade were in my hands. What the hon. and learned Gentleman precisely meant, what was his object, I will not pretend to say; but of this I am fully aware, that the general interests of the country—not of free trade only, but the general interests of the country, its welfare and tranquillity —are very much dependent on the conduct of those who have at the moment the direction of public affairs. But I have not hesitated, when I thought the direction of affairs ought to be taken out of our hands, unless we succeeded in certain objects, to stake the existence of the Government upon those questions and upon those objects. I did not hesitate to do so when the question of the repeal of the navigation laws was before Parliament, and it was frankly declared that we were prepared for the consequences of a rejection of that measure; and it was perfectly understood we should have retired from office if that measure had been rejected. In the last year many hon. Members differed from the views that were strongly impressed on my own mind with regard to the efforts of this country as to the suppression of the slave trade; and I did not hesitate then to declare, that I would not retain office one day after the House had thought it right to give a hostile vote against the Government on that subject. But I think I have some right, in connexion with my colleagues, to consider what is the fitting opportunity for which I should retain office, and what is the opportunity when I should lay my resignation before Her Majesty. I am of course speaking independently of any direct question of a vote of want of confidence of this House, of which the result is perfectly plain and obvious, but I am speaking with respect to all other questions. In the beginning of the present Session, did I show any such anxiety to retain office as to make it necessary that the hon. and learned Member for Sheffield should be my monitor, and should inform me when the moment was come that I at his bidding should lay before the Crown my resignation? The hon. and learned Gentleman says this is the fourth time the Government has been defeated; but there is an observation which, although couched in very homely language, having been a longer time in the House than the hon. and learned Gentleman, I remember to have been made by the late Lord Castlereagh, and to which I may refer. That noble Lord, when leading a great party in this House, with respect to a vote to which the House had come against the Government for the repeal of the whole or a part of a tax, said, when we cheered very loudly on our triumph, "I advise hon. Gentlemen not to holloa before they are out of the wood." Now, let us observe, with respect to those defeats to which the hon. and learned Gentleman alludes, what they were. The first defeat on which we resigned office was with respect to the Bill of the hon. Member for East Surrey (Mr. Locke King); but afterwards, when we returned to office, that question came again before the House, and the decision of the House was different from that which it had been originally, and the views I entertained were confirmed by a large majority. So that that first defeat was completely effaced by the subsequent division. On another occasion we were defeated on a question with respect to the management of the Woods and Forests; but that question is not yet decided, because it is not our intention to act on that resolution of the House, but to introduce a Bill similar in principle to the one we introduced last year, and the House will have an opportunity of deciding whether they will confirm the decision then come to by a majority of one, or whether they think our plan for the improved management of the Woods and Forests is one that ought to be entertained, and is preferable to that which the House at first resolved on; so that in the present state of affairs, although the hon. and learned Gentleman says we have been four times defeated, it appears that one of those defeats has been followed by a victory over those who were the cause of that defeat, and that the second is not yet decided. I come now to the third—the division which took place on the Motion of the hon. Member for Montrose (Mr. Hume). I do not consider that that division was of the nature of which the hon. and learned Gentleman spoke, namely, a division declaring that the House meant to take the Government into its own hands. I consider that all those questions of taxation and burdens are questions upon which the House of Commons, representing the country, have peculiar claims to have their opinions listened to, and upon which the Executive Government may very fairly, without any loss of its dignity, provided they maintain a sufficient revenue for the credit of the country, and for its establishments, reconsider any particular measures of finance they have proposed. We come now to this question which the noble Lord (Lord Naas) has carried by the vote of Mr. Speaker. Upon that question I might repeat the observation to which I have already referred; because I remember that last year the noble Lord was equally successful; but nevertheless he did not finally alter the law on this subject; and I believe in the end the House of Commons will be of opinion either that the Motion of the noble Lord is not one to be adopted, or that, if adopted, it must lead to some arrangement of the colonial duties so as to place colonial duties on the same equality with Scotch and Irish duties. That being my opinion, I certainly shall not tell the hon. and learned Gentleman, in accordance with his request, made with that *suaviter in modo* which always distinguishes him, what other course I propose to take on the present occasion. These matters are matters of very grave import. The character of the Government ought not to be sacrificed, or even impaired, by submitting to frequent defeats without declaring that they could no longer carry on the Government of the country. At the same time, on the other hand, no one will deny that the resignation of the Government in the present circumstances of the country involves very grave consequences. Some may think them consequences of great good fortune; but, whether of good fortune or bad fortune, no one can deny that very grave and important consequences must follow, not merely to the question of free trade, to which the hon. and learned Gentleman once alluded, important as that is in itself, but with regard to many other questions of domestic and foreign policy, which must be affected by a change of the Government in the present circumstances of the country. All I can say is, that I trust those who have generally supported us and taken our views with regard to public policy, will give us credit for weighing on every occasion what is required by the situation in which we are placed, and that while we are not disposed, on the one hand, to allow the character of the Government to be impaired and worn away in our hands, it is, on the other hand, from no sense of affront or pique that I shall propose to come to so important a decision as that of resigning our office with a view to a change of the Government of this country. It is not a question to be merely discussed and bandied about in debate, but it is a question for grave consideration. I must ask the House to leave it to us to make that decision, and making it, as I shall do, with a view to the welfare of the country, I shall not have to reproach my own conscience with having deserted the interests I am bound to support.

House in Committee; Mr. Bernal in the chair.

Lord NAAS said, he should now move a Resolution which would carry out his view.

Motion made, and Question proposed—

"That the duties payable on British Spirits, when taken out of warehouse for home consumption, shall be charged on the quantity ascertained by the measure and strength of the sum actually delivered; save and except that when such Spirits are not in a warehouse of special security, no greater abatement on account of deficiency of the quantity and strength as ascertained at the time the said Spirits were warehoused shall be made than shall be after the several rates of allowance following; that is to say, for every hundred gallons hydrometer proof, for any time not exceeding three months, two gallons; for any time exceeding three months, and not exceeding six months, three gallons; for any time exceeding six months, and not exceeding twelve months, four gallons; and for every additional six months, one gallon."

Mr. HUME begged to offer his approbation of the reply of the noble Lord at the head of the Government to the hon. and learned Member for Sheffield (Mr. Roebuck). It would put an end to the proceedings of the House of Commons if the Ministry were to resign in consequence of their being defeated on a question of this kind. After the decision to which the House had just come, and after Mr. Speaker had by his vote given an opportunity for another trial, he submitted to the noble Lord (Lord John Russell) that, as many Members had left the House not expecting that there would be another division, it would be far more consistent with the dignity of his situation to allow the Resolution to pass, and to take the opinion of the House upon the subject again, upon a future occasion, when they had had notice that it would come before them.

Lord JOHN RUSSELL would leave the matter entirely in the hands of the noble Lord opposite (Lord Naas) who made the Motion. He thought, however, that it was perfectly fair to take another division upon this question. [*Cries of* "Oh, oh!"] He did not wish to take any unfair advantage, but he could not see what objection there could be to another division, as he believed the House was now fuller than when the last division took place.

Lord NAAS thought the reason assigned by the noble Lord for proceeding to another division was the very worst he could have put forward. The noble Lord said the House was now more full than when the division took place, but that division took place in a House when hon. Members had been attentively listening to the debate. He had been present the whole evening, and he had never seen upon a question of this kind a more attentive or a fuller House; and he thought it was rather hard of the noble Lord to ask for another decision on the question, when many hon. Members who had come in since the division had not had an opportunity of hearing the debate. He must remind the noble Lord that a different course was taken last year. The Resolution which he (Lord Naas) then put into the Chairman's hand was not opposed; and he had concluded that the same course would have been taken on this occasion. He was satisfied if it had been known that the noble Lord intended to take another division, none of the hon. Gentlemen who had supported his Motion would have left the House.

Lord JOHN RUSSELL said, it was quite impossible for him to assent to the Resolution. The noble Lord must recollect that the circumstances under which he had carried his Motion now, were entirely different from those under which he succeeded last year. Last year the noble Lord had a majority of those hon. Members who agreed with him in opinion; but, on the present occasion, he had only had a majority from the vote of Mr. Speaker, who declared that he voted in conformity with the usage of the House, in order that they might be enabled further to consider the subject.

Mr. FRESHFIELD moved that the Chairman report progress.

Lord JOHN RUSSELL begged leave

to state, for the information of the noble Lord opposite (Lord Naas) that in the event of the Chairman now reporting progress, he would not, when the question came on for discussion, offer any opposition to Mr. Speaker leaving the chair. He would consent that the debate should be resumed at the precise point where it had been left off.

Lord NAAS expressed his willingness to accede to the proposal of the noble Lord at the head of the Government, on the understanding that the noble Lord had stated that no ground should be lost in the progress of the debate, but that the question should be resumed at the point where it had been left off.

House resumed.

Committee report progress; to sit again on *Friday*.

ST. ALBANS BOROUGH.

Mr. EDWARD ELLICE said, that at that late hour, he should be as brief as possible in introducing the Motion of which he had given notice for leave to bring in a Bill for appointing a Commission to inquire into the proceedings at the recent St. Albans Election. What he had to do was to satisfy the House that there was good ground for inquiry, and that the course he proposed was the best that could be adopted. According to the evidence that was taken before the Committee, it appeared to him that the present case was analogous to the former cases of Sudbury and Great Yarmouth. In both of these cases extensive bribery was committed, and the mode in which it was conducted was similar to the present case. It appeared that when the candidate appeared in the town of Great Yarmouth, a house was taken in a convenient spot, which was entirely under the control of the Committee for conducting the election. To this house there were two accesses in two different streets, so that a person went in by a door in one street, and came out by a door in a different street. That was the case in the present instance also. An empty house was taken in a street, called Chatham-street, the exit being by an alley, which subsequently received the denomination of "Sovereign Alley," in allusion to what had taken place there. They had no proof of bribery in the present case, but they had proof that individual voters went into this house by one door; that they communicated with a person in a room in this house; that they promised their vote; and that they came out by a different door. It was proved, however, that these individuals went to public-houses and exhibited gold to the amount of four or five pounds. It was true that when before the Committee they swore most positively that they had not received money in that room; but considering that they also swore that they were not in possession of any money at all, and that it was afterwards distinctly proved by respectable testimony that they were, there could be little doubt in the minds of the Committee that those persons through some one, and in some place—the probability being that it was in this room—received money in return for a promise of their vote. Now, the person who sat in that room was a person of whom the House had heard a good deal, and who was named Edwards. That person volunteered his evidence, and was ready to be examined, but he was not examined. The three persons who were examined were persons who were stated to have been bribed by this man Edwards; but, whatever the impression of the Committee might be, there was no proof of actual bribery against any individual. He adverted to this point more particularly, because the Committee had been blamed for not having adjourned the inquiry. The Committee were certainly not disposed to pass by any legitimate opportunity of obtaining evidence; but it being quite clear that the petitioner's case was one of fishing for evidence, and that there was likely to be a groping in dark, they felt bound to pursue the course which they had done. If the witnesses had been examined, they would no doubt have declined to give answers which might have exposed them to penal consequences. Still there could be no doubt whatever, looking at the manner in which the witnesses gave their evidence, and at the resemblance which the case bore to other cases in which bribery had been established, that the Committee was fully satisfied in concluding that bribery was practised. The general evidence was, he thought, particularly strong; and as his only chance of obtaining his Bill was the making out of a case from the evidence, he hoped the House would allow him to refer to it. This was the evidence of William Payne. Payne, in the course of his examination, had mentioned "Bell-metal" and "Electioneering money." He was asked—

> "You speak about Bell-metal and electioneering money; is it a subject which is usually talked about, electioneering money?—We were all laugh-

ing; they gave money the name of Bell-metal, in St. Albans; they do not call it silver or gold.

"What do you mean by election money?—I do not know what he meant; I do not know what he did mean by that.

"Is it a common term in St. Albans; have you ever heard of election money before?—I have heard talk of people having it; I was laughing and joking, and I said I had a good mind to put up for the borough of St. Albans myself, and I would if I had plenty of money; three or four of them promised me their votes then.

"What do you mean by election money?—I do not know what they mean by it; I was always saying that I knew no man could get in without money; we were laughing and joking together.

"Do you mean money paid by the candidates?—Yes, that is what we were laughing and talking about; I said 'I will give anybody 10*l.*,' and three or four of them said they would serve me.

"Do you mean to say that it is a matter of notoriety that this election money is prevalent in St. Albans?—That is what I have always been informed.

"On former occasions as well as this?—Yes; I have known a great many elections; I have been living there nearly sixteen years come July.

"Did you ever know an election at St. Albans, where there was not a talk of election money?—No, I never knew one that I remember.

"The candidate who came without it, I suppose, would not have been very well received?—Mr. Carden was received very well; I did not hear any great talk about his money; I do not know that he spent a shilling.

"Was election money ever called Bell-metal till this last election, when the candidate's name happened to be Bell?—No, I never heard it before."

The next witness examined was Mr. Baily, respecting whom he would remark, that he was a person of great respectability, and upon whose evidence the Committee had every reason to place great reliance. He was asked—

"Did you hear any conversation there?—They were speaking about the election, about the Bell-metal. The observation was made, 'There is some of the Bell-metal going.'

"What did you understand by Bell-metal?—The money they had received from Mr. Bell's party.

"Received for what?—For their votes.

"Do you mean to say it is a common subject of notoriety that votes are bought in St. Albans?—Certainly it is.

"Are you acquainted with St. Albans?—Yes.

"How long have you been acquainted with St. Albans?—I have lived there since I was about four years old.

"Have you known other elections?—Yes.

"Has it been also a matter of notoriety at other elections, besides this?—It has also.

"Is there any common amount that is notorious as the price of a vote?—Five pounds was stated that night in the bar where this man Howard was, and it was generally understood by every one in the room that he had received 5*l.*; I can give you another instance.

"It is a notorious thing that money is given for votes in St. Albans?—It is. If the Committee will allow me I will state what one of the parties stated to me.

"Is 5*l.* the standard?—Five pounds was generally understood to be the standard for a vote then.

"Is it ever less?—When there is no money on the other side, it will go down as low as 2*l.* or 3*l.*, and sometimes to 30*s.*

"It is a common and notorious fact that at this and former elections bribery has prevailed in the town?—Certainly it is; there is not a voter that can deny it."

Such was the evidence of a respectable witness. It might appear that there was a paucity of evidence—only three or four witnesses at most being examined in whose testimony the Committee would have been warranted in placing full reliance. It must be recollected, however, that no facilities for inquiry were given to the Committee by either party. The petitioner had summoned about one hundred witnesses; but of these the great mass were produced, and consequently the Committee had no power of making out a general case. Still, he thought the evidence to which he had referred showed that there were ample grounds for further inquiry. There were other circumstances which, in dealing with this subject, the House should keep in view. He must ask the House to turn back to 1841, and to the proceedings which took place before a Committee which then sat. Then, as now, there had been a contested election at St. Albans, and the Earl of Listowel was the successful candidate. Edwards, who had figured so much in this case, had also considerable notoriety in 1841. In that case, too, general bribery was alleged; but when the Committee were on the point of obtaining conclusive evidence, the parties, who were only anxious for the seat came to a compromise, and the petition was withdrawn. The object of the Committee was thus frustrated, but they made a special report to the House, and asked leave to lay on the table the evidence which they had taken. Parties then ran high; and though there was a good deal of discussion no further inquiry took place. With regard to the question whether there ought in this case to be an inquiry, he thought the House ought to be bound by the recommendation of the Committee, though objections might be urged against the species of inquiry which he proposed. With regard to the fourteen days that might have been allowed to intervene under what was termed Lord John Russell's Act, this difficulty at once presented itself. What chance had the Committee, constituted as it was, of arriving at the truth? There was no Bill of Indemnity, and of course any witness might have refused to criminate himself. The Committee looked for precedents, and the precedent which occurred to them was that of Sudbury. In that case, a Committee had strongly reported against the borough as guilty of bribery, and a Bill passed that House for its disfranchisement, but in the other House it was withdrawn. In the next Session, 1843, the case was again brought forward, but it broke down, and the Bill was again withdrawn. Afterwards, a joint Commission of both Houses was sent down to Sudbury, to examine witnesses previously indemnified; the Commissioners reported the existence of bribery; and upon that, a Bill of disfranchisement passed both Houses. That precedent, being perfectly satisfactory in its results, ought now to be followed. As regarded bribery, there could be but one opinion as to the necessity of checking it; and the interference of the House in this case might have that effect, at all events in St. Albans, where bribery had, unhappily, existed for a number of years.

Motion made, and Question proposed—

"That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of Bribery in the Borough of St. Albans."

MR. COBDEN rose to move the Amendment of which he had given notice, which was to include the Falkirk District of Burghs in the proposed inquiry. He begged to state to the House that he represented a body of electors of Falkirk, whose petition he had presented, praying that in any inquiry into other places, the district of the Falkirk Burghs might be included. That petition stated that, on the day of polling, forty-one spirit shops were opened in the interest of the sitting Member (Mr. Baird); the consequence was, frightful scenes of debauchery and intoxication; and a riot was threatened, which rendered it necessary to call in the aid of the military. The petition, signed by four electors, had been withdrawn without their knowledge. If this had been done on account of the possible expense, that was an additional reason for entertaining the question now. He (Mr. Cobden) had received a letter from the Provost of Falkirk, expressing the general disappointment and surprise of the electors on the withdrawal of the petition, and stating that he had never witnessed such scenes of dissipation as took place at the last election. He (Mr. Cobden) had no feeling of hostility towards either party engaged in that election. Both candidates were advocates of free trade, and there was not much difference in their politics. He had, therefore, no personal motive in bringing forward this question. The district comprised five burghs, which were thirty-three miles apart, situate in three different counties, totally different in their occupations and interests, and it was difficult to understand why they had ever been grouped together. Up to 1841, the character of these burghs, like that of most other Scotch burghs, had been unimpeachable in point of political morality. In 1841, when the brother of the sitting Member was the candidate. those malpractices had begun; but they had been generally confined to the burgh of Airdrie, which was mainly dependent on the very extensive iron works the property of the sitting Member and his brother. In 1846 Mr. Baird resigned his seat, and the Earl of Lincoln became a candidate. He was opposed by Mr. Wilson; and at that election the malpractices, which had been confined to Airdrie alone, extended to other of the burghs. In 1847, at the general election, the Earl of Lincoln stood again, and was opposed by Mr. Boyd, and then those scenes of dissipation and general corruption, which had marked Airdrie at the previous election, became almost as bad in Falkirk and Hamilton. Then came the late contest between Mr. Loch and Mr. Baird. A competent legal gentleman had been down to the burghs, one who was totally unconnected with them, who had never been in Scotland before, and he had taken down, from the lips of individuals there, statements corroborating those of the petition. Robert Binnie, in a deposition signed by himself, in the presence of the Provost of the burgh (he had no hesitation therefore in mentioning his name), stated—

"That he was a grocer and spirit dealer at Graham's Town; that he had always voted for the Liberals, and intended to do so at the last election; that on the Friday before the nomination, Mr. Russell, one of Mr. Baird's law agents, called upon him and asked him for his vote; he declined to promise, whereupon Mr. Russell hinted that he might change his mind. The same night a party of Mr. Baird's friends called at his house and went up stairs. Whilst they were there, several working people, non-electors, came into the bar. Mr. Maclaren, one of the party of Mr. Baird's friends, came down stairs of his own accord, and seeing the people there, desired witness to give them what they wanted. He gave them drink. Whilst he was doing so, Mr. Maclaren

> was continually looking in and out of the room, and said, 'Give them what they like; Mr. Baird is rich enough to pay for it.' Witness considered this a sufficient order, and continued to keep open house till the day of nomination (Tuesday). On the preceding Monday night there was a tremendous business doing. A number of people came and had supper in the back room; John Dick presided. They had bread and cheese, whisky, porter, lemonade, and vinegar cordial. They sat eating and drinking all the evening. They drank a good deal, and carried away a good deal. Mr. Maclaren and another were in at the time. Mr. Maclaren said, 'Well, Robert, you are getting on here famously; the steam is getting up; keep them alive. There is not a nicer party in the town than yours.' There were fifty or sixty persons there at the time, though the room would only seat twenty-five; but they were close packed, some sitting and some standing, and the kitchen also was full. Witness got them out before twelve o'clock; eleven was his usual hour of closing. Many of them were drunk, of course. The following morning was the nomination. People began to come for drink by six o'clock, and the place was quite mobbed by half-past six. They came for their 'morning,' [a term which hon. Members from Scotland would no doubt understand.] They had brandy, whisky, or anything they chose to ask for, the same as the night before. Several got drunk speedily, and he was obliged to get them away. Some were drunk by eight o'clock or half-past eight. Many had to be carried away. Witness gave two men a bottle of whisky to assist some of the drunken ones home, or to see them to a place of safety. Several boys, from ten to fourteen years of age, were tipsy, and swearing in the street. He did not give them drink, but other people in the town did. Two foundry boys came and asked him to give them drink. There were no women drinking in his house; those who came there came to take their husbands home."

He would only read one more extract from the evidence of a person named Waugh, a grocer and spirit dealer, in Graham's Town, a suburb of Falkirk. Waugh stated—

> "That on the afternoon of Monday, before the nomination, Maclaren and M'Cowie ordered him to provide refreshments, for which he (Maclaren) would be responsible, for all who came. He was to give the people plenty to eat and drink, and not to allow fighting. Two hundred came and had whisky and brandy and cordials; in addition he missed five dozen bottles, which must have been taken away. They became rather riotous about ten o'clock, when he told them he would not give another mutchkin. He sent to Mr. Potter, but the latter told him to go on and let them drink. On the Tuesday before the poll, the people came again and demanded their 'mornings.' Maclaren came again on Wednesday, and witness asked him was he to let them have any more, when he said 'Oh yes!' and the people then had fourteen gallons of whisky. There were women and boys who were all very drunk."

[*A laugh*]. Now, he begged hon. Gentlemen who laughed to attend to the evidence of respectable inhabitants of the burgh, who, much to their honour, had protested against such scenes. If their example was more frequently followed, they would not have many such political Gomorrahs as Sudbury. Dr. Hamilton, medical practitioner at Falkirk, deposed to having found two youths lying drunk in the road on the night preceding the election, in such a situation that they would have inevitably been run over had he not removed them to a place of safety. On raising them up he asked one how he came there, and he answered, "Oh, there's open house at Sandy Waugh's." They had another youth with them not quite so drunk, who assisted them home. The Rev. A. M'Farlane remembered coming home past the Carron foundry the night before the nomination, and found drunken men lying about in such a way as made him shudder at the amount of demoralisation. Gentlemen might ask why he brought forward these cases of the demoralisation of the working classes, seeing that they were non-voters. But he did it because he considered the case ten times worse than that of St. Albans. There a man was taken into a room and paid 5*l.* for his vote; but here a more demoniacal practice was adopted; for, it being necessary to secure the votes of some publicans, two hundred individuals were kept in a state of beastly intoxication to enable those men to earn the price of their vote. He would now read the evidence of a member of a temperance society. William Arnott stated—

> "That he worked in Falkirk Iron Works, and that he had a son 12 years old, who returned home on Monday night in a state of almost insensibility from drunkenness; and his wife corroborated his testimony, saying she had picked the child up in the street." "Another woman deposed that she had two sons, one 12, the other 16, and both came home so drunk on Monday that they were obliged to be put to bed. Cowan, a general shopkeeper, stated that he had a boy eight years old, who came home very much excited, and was found to have been drinking whisky. It appeared that some of his playfellows had induced him to go to Waugh's."

He would repeat once for all that the mode adopted of corrupting the constituencies was by opening all the public-houses and allowing all comers to drink what they pleased of ardent spirits. He would not trouble the House with any statements about Hamilton, but state that, with regard to Airdrie, the burgh in which Mr. Baird lived, and which was mainly indebted for its increasing population to his immense iron works, it was worse than anything that could be charged against Falkirk. He would ask, was it not the duty of capitalists who employed large numbers of the working classes—whether it was not their duty to lead them into the paths of virtue and sobriety? But he was sorry to say that the wealth and enormous influence of that gentleman's family had been exercised for a very differnt purpose. He would mention but one case of bribery, although ten had been proved, in one of which the Provost was implicated, and in another the Inspector of Police. In Airdrie James Whitland stated—

> "That having six votes in his family, he was offered 20*l.* to vote for Mr. Baird by one of that Gentleman's committee, who was not himself an elector, and added that in a place with 15,000 inhabitants, 41 public-houses were kept open, with free drink for all persons coming to the election."

He would now read the evidence of two ministers of the gospel. The Rev. James M'Gowan, a minister of the Free Church at Airdrie, stated—

> "That he came into the town between four and five o'clock on the evening of the day of election, and that on the road he witnessed the most awful scenes of debauchery, drunkenness, and rioting that it was ever his lot to behold. He scarcely met a single sober individual; numbers were lying on the side of the road in a state of beastly intoxication, and among them many boys and women. It was with considerable difficulty that he reached home, he was so much jostled about. No fair was ever half so bad. It was quite impossible the drunkenness could be exceeded in any of its manifestations. Many decent persons thought the town ought to be disfranchised, and many declined to register, because they felt the disgrace of being mixed up with such beastly election scenes."

This was Mr. M'Gowan's eivdence in effect. The Rev. Alexander Barr, a minister of the Established Church of Scotland, said—

> "That the scenes at the last election at Airdrie were shocking. Idleness and habits of dissipation were encouraged, and trade was at a standstill. One of the members of his congregation had been prevented from attending divine service because of blows he had received in the riot."

He (Mr. Cobden) held in his hand a list of 41 spirit shops which had been opened during the election, where parties were treated without charge; and he had also a list of the sums that were paid, or partly paid, to the landlords. One received 40*l.*; another, 80*l.*; another, 90*l.*; another, 25*l.* on account; another, 280*l.*; another, 32*l.*, and so on. Now these facts were matters of notoriety in the town. There might be a difficulty in identifying the parties who had ordered the houses to be kept open, but there were sufficient proofs to show that these transactions were done at the cost and under the cognisance of the hon. Member who sat in that House. There was a man there, not "the man in the moon"—but a man called "Goldy," or "the man with the bag," who had been paying some of these accounts, and he was strongly suspected to be a person of the name of Pollock, either a writer or a writer's clerk at Ayr. Now this was a point he wished a Commission to investigate. What he had stated of all these places he believed took place in a mitigated form at Linlithgow and elsewhere. The worst phases of the debauchery were exhibited at Airdrie, Hamilton, and Falkirk. And was he now to be met by the plea that there was something which precluded him from proceeding in this case? He called upon the House to deal with him as they had dealt with the hon. and learned Member for Sheffield (Mr. Roeback) on a former occasion, as if it were a case without precedent, for there was no precedent for these abominable proceedings. The character of them was that of iniquity. It was by the accidental circumstance of his mentioning Falkirk on a former evening that he had brought upon himself an inundation of information from temperance societies and other parties—amongst them the non-electors, who had petitioned for the disfranchisement of the burgh; and having looked into the circumstances of the case, he had ventured to bring them under the consideration of the House. He asked them to consider whether the elections in this country were to be carried by such processes as these?—because, if so, mark the consequences! Who would sit in that House if the path to it were through some hundred gin houses, with a bill of 200*l.* or 300*l.* each? The election expenses of hon. Members had been estimated at from 5,000*l.* to 15,000*l.* Would "the territorial aristocracy" of this country, as they were called, who lived on rents, and some of whom had little money to spend, sit there? No. It was the monied people, who had hard cash at their bankers, who alone would find entrance into that House? Was this a process that would conduce to the improvement of the character of the representation, or, rather, had they not better return to the old regime of pocket boroughs, and "hereditary claims," if it were to be continued? He would rather live under an oligarchy or a despotism than be governed by a majority of Members who had entered the House by such means. Was there not something due to the morality of the age? Was that House to be the only quarter where scenes like these could be heard of without emotion and disgust, and a desire to put an end to them for the future? The temperance publications and the temperance societies had rung with horror at the recital of these deeds. He had read the declaration of ministers of the gospel speaking in detestation of them; and was this to be the only place where they were to laugh and jeer at them, and treat them with contempt? If so, what other tribunal was he to resort to? Did they allow him to go elsewhere for a tribunal? No: they claimed sole and exclusive jurisdiction in these matters. Were the people to be allowed no appeal from the decision of that House? Was that House to claim to itself solely and exclusively the right to pronounce without appeal upon questions touching the purity of our elections? He would ask that House not to appeal to precedent for the purpose of eluding an inquiry into the case which he had brought under their notice. Let him have no excuse about technical difficulties standing in his way. All he asked for was inquiry into these proceedings. He did not ask them to unseat the hon. Member who now sat for the Falkirk burghs. He did not ask them to disfranchise those burghs. He merely asked the House not to pass unnoticed the transactions which he had brought before them. He asked them to include in their proposed inquiry into the proceedings at St. Albans the case of the Falkirk burghs, for he humbly opined that the latter case was characterised by transactions ten times more demoralising than any proceedings that had taken place in St. Albans. He begged to move, therefore, the Amendment of which he had given notice, as to including the case of the Falkirk burghs.

Amendment proposed—

> " At the end of the Question to add the words 'and of bribery, treating, and corruption in the Falkirk district of burghs.' "

Question proposed, " That those words be there added."

Mr. BAIRD: I don't want to stifle the inquiry the hon. Gentleman asks for, nor do I wish to perpetuate the practices which he alleges took place at my election. All I can say is that I gave no sanction to persons to open public-houses, and I believe my agent did not do so either. If the House wishes to make an inquiry into the proceedings at the last election, I have no objection. With regard to the scenes of drunkenness, I have no doubt some of them took place. It is not an uncommon practice in these burghs, even when there is no election taking place, and that is partly acknowledged by one of the informants, when he said it was as bad as a fair. It is not to be wondered at there should be a great scene of drunkenness at the election, for there is a population about Airdrie that earn wages to the amount of about 10,000*l.* a week; and when the principal persons of these establishments are engaged in an election, it is but natural that these men should come to Airdrie during the election, and they naturally become excited along with the other parties in the town, and having plenty of money in their pockets make themselves merry. The course of proceeding taken in this case is certainly very irregular, and such as the House cannot adopt. Still, if the House wish for inquiry into this case, I hope they will go about it in a proper way, and, as I said before, I will not object to it. The House is aware that a petition was lodged against my return; and the local agents of the petitioner went through the whole of the burghs, and took all the cases they could find; but after a precognition of two or three weeks they found they could not substantiate one single allegation against me, and therefore the petition was withdrawn. I should think that if local agents could not make out a case against me, it is not likely that an agent from London could do so.

The ATTORNEY GENERAL trusted that there was no one in that House who had not listened with deep regret, and he trusted, with disgust, to the sad and painful proceedings which had been brought under their notice by the hon. Member for the West Riding of Yorkshire (Mr. Cobden). No man could picture to himself such scenes of debauchery as that hon. Gentleman had described, without feelings of the deepest regret. But, although in common with many other hon. Members, he thought it would be highly desirable, under certain circumstances, that inquiry should be made into such proceedings as the hon. Gentleman had described, yet he hoped the hon. Gentleman would give him leave to suggest that the case of the Falkirk burghs ought not to be mixed up with that of St. Albans. He was quite satisfied that the hon. Gentleman was as anxious as any hon. Member could be, not to throw any impediment or any chance of impediment in the way of inquiry into the case of St. Albans. The hon. Gentleman would not forget that the Bill which his (the Attorney General's) Friend proposed to introduce, would have to go through the ordeal of another place, and they must take care that the Bill should not be encumbered, or its success endangered, by making it comprehend the case of the Falkirk burghs. The two cases stood upon entirely different grounds. They had, in the one case, the Report of a Committee, a Report founded upon evidence taken on oath. They had the Chairman of that Committee proposing a Bill at the instance and by the desire of the Committee over which he presided. Now, a Bill so introduced, if it should pass that House, would, he (the Attorney General) trusted, be sure of success in the other branch of the Legislature. But the case which the hon. Member for the West Riding had presented, although it might be one deeply deserving inquiry on the part of that House, stood upon an entirely different footing, for it rested entirely on statements to which the hon. Gentleman could not pledge himself of his own personal knowledge. These statements were not evidence taken upon oath, and, although, to a great extent, they might be true, yet there was a possibility of their being exaggerated, because it must not be lost sight of, that a petition had been presented, as had been stated by the hon. Gentleman who had just sat down (Mr. Baird), with regard to the Falkirk burghs, after the last election, and that that petition was withdrawn. By the 5th and 6th Vic. cap. 102 (the Act of 1842), if the general bribery and corruption complained of did in fact exist, a petition might have been presented for the purpose of instituting an inquiry into the state of the burgh with reference to corruption at the last election, and a Commission might have been issued upon the result. The cases, then, of St. Albans and of the Falkirk burghs stood upon entirely different grounds, and he would, therefore, suggest to the hon. Gentleman (Mr. Cobden) that as it was unusual to engraft as it were a rider upon the proposition of an hon. Member in a case like this, that he should withdraw his Amendment, and, if he so pleased, bring it forward as a substantive and independent Motion.

Mr. ROEBUCK thought that he might be permitted to recall to the recollection of the House some remarkable circumstances which he had on a former occasion brought before that House. There had been six instances, after a general election, of what he had ascertained to be corrupt compromises. He had brought the circumstances on his own personal statement before the House, and the late Sir Robert Peel granted him the Committee he asked for. Not satisfied with that, they had passed a Bill enabling parties to give evidence. He had mentioned six cases, and the late Mr. Charles Buller mentioned another—Bridport; and he asked the House to engraft Bridport on his (Mr. Roebuck's) Motion, and the House agreed to do so, and then all these cases were brought before the Committee of which he was Chairman. Where, then, was the difference between the two cases? The hon. and learned Attorney General said that the one case was established on oath. But what had been done with him (Mr. Roebuck) referred only to his own personal statement. It rested on that alone. And now what occurred on the present occasion? The hon. Member for the Falkirk district of burghs (Mr. Baird) demanded inquiry. Who, then, were the objecting parties? Not the hon. Gentlemen opposite. Then there was the hon. Member branded by the statement of the hon. Member for the West Riding of Yorkshire. [*Cries of* "No, no!"] Let hon. Gentlemen wait until he finished. Thus was the hon. Member branded if he did not get the opportunity which he asked for. Who then stood between the hon. Member and his exculpation? Surely the hon. and learned Attorney General would not stand between him and it. What then prevented the wish of the hon. Member for the West Riding of Yorkshire being acceded to, and thus helping the hon. Member for the Falkirk district of burghs to a vindication?—not because he needed it. Oh, no! but because he was accused. To be accused was one thing; to be guilty was another; but the hon. Member was accused, and no doubt he would be considered guilty if he were not allowed to defend himself. For what would the world say? Why, that friends who well understood the position in which he stood, when he pretended to be ready to exculpate himself, walked in and with their happy shield and most useful cloak covered him from the accusation which had been made against him. He asked was that a position to let the hon. Member occupy? He assumed that the hon. Member was—and he said this with all violence to himself—innocent. Yes, in such cases as those of Boston, and Aylesbury, and Falkirk, he did violence to himself in supposing that persons were not guilty when they were charged with a knowledge of the practices of corruption. The hon. Member who had made the Motion had talked of bribery only; but corruption and treating must be included in the Motion. Would the hon. Gentleman say that one house, not to say forty-one houses, open for treating, could have been only open for purposes of patriotism? Some one with a purse ready to pay those men who presided over houses where treating of men, women, and children took place, must have been there, sent there by some one. It was a disgrace to that House to sit there, and the country would repudiate them, if they dealt with great cases of immorality, and allowed guilty parties to ride off on a mere technicality raised by the hon. and learned Attorney General. The technical objection which had been raised ought to be overruled, and the hon. Gentleman (Mr. Baird) ought to be afforded a full opportunity of exculpating himself. This he could not do under the proposed Bill, and therefore it was right for the House to provide the hon. Gentleman with the means of full exculpation. He (Mr. Roebuck) begged of the House, if they desired to have a moral influence in the country, not to interfere, but to let the hon. Gentleman have a fair trial, for the hon. Gentleman really was on his trial; and to let him clear himself, as he said he could, from the charges brought against him. Of all the cases he had ever brought under the notice of the House not one equalled in atrocity the present case, and he trusted it would be fully sifted by the House.

MR. EDWARD ELLICE would be the very last person to object to any such inquiry as that contemplated by the Amendment of the hon. Member for the West Riding (Mr. Cobden); but he must object to the case of the Falkirk burghs being grafted on the Bill which he had submitted to the House that night. He believed that if he consented to the Amendment, the Bill would be placed in jeopardy, and in all probability defeated. Besides, there was the inconvenience of any one Commission having to inquire into two distinct cases at different and distant parts of the kingdom. He had no objection whatever that the petitions presented regarding the Falkirk election should be submitted to a Select Committee, and then legislation could follow if necessary.

MR. BANKES had no wish to talk of difficulties in another place; the difficulties in that House were sufficient for him, to make him say that the Amendment of the hon. Member for the West Riding (Mr. Cobden) was utterly inadmissible. If that hon. Member had desired to defeat the proposition of the hon. Member for St. Andrews (Mr. E. Ellice), he could not have taken a better course than that which he had adopted. The precedent which had been referred to by the hon. and learned Member for Sheffield (Mr. Roebuck), was not at all to the purpose. And observe what was the consequence of the course taken by that hon. and learned Member in the six cases to which he had referred. An Act of Parliament was expressly passed, which provided for the specific case of an election petition being withdrawn previous to its trial. If the hon. and learned Gentleman did not think that Act sufficiently stringent to meet his views, why did he not say so? Why subject his fellow Members of that House to the tyranny of these occasional interpositions? That Bill provided that if there were any suspicion of collusion, by means whereof a petition which had been presented against the return of any Member was withdrawn previous to trial, any person might prefer another petition against such return.

MR. ROEBUCK said, that was not the Bill to which he had referred. That was Lord John Russell's Bill, with which he (Mr. Roebuck) had nothing to do.

MR. BANKES was referring to the remedy which the noble Lord (Lord John Russell), who at the time of proposing it, was not a Member of the Government, had suggested for meeting such a case as that of the Falkirk burghs. The hon. and learned Member for Sheffield ought to have adopted that remedy, and not have come upon hon. Members with his *ex post facto* laws, which he (Mr. Bankes) would assert was tyranny and injustice. There was a petition preferred in the case of the Falkirk election, and there appeared on the journals of the House a letter written by Mr. Coppock, the agent of the petitioner, to the Speaker of the House of Commons, giving notice that it was not intended to proceed with the said petition. That letter was published in every newspaper the next morning, and the persons who now complained of malpractices in the Falkirk burghs might have presented a fresh petition if they had thought they had any case to go upon.

MR. COBDEN: They did so.

MR. BANKES: But not at the proper time. If the hon. Member chose to keep the petition in his pocket till the time had lapsed, it was his own fault.

MR. COBDEN said, that the petition was not in his possession twenty-four hours before he presented it.

MR. HUME said, that it was not an election petition, but one praying for inquiry.

MR. BANKES: Then it should form the subject of a substantive Motion. As to the question before the House, he would not oppose the introduction of the Bill, since it was founded on the unanimous recommendation of a Select Committee; but he would propose that the Commission should be framed in exact accordance with Lord John Russell's Bill. It was necessary to vindicate the authority of the House, and he hoped that the inquiry would be a searching one.

MR. HUME was of opinion that the hon. Member for the West Riding should withdraw his Amendment, and allow the Motion to be proceeded with. He also thought that the noble Lord at the head of the Government ought to imitate the conduct of the late Sir Robert Peel on a similar occasion, and give the sanction of the Government to the proposed inquiry.

MR. FORBES wished to give his testimony to the esteem in which the hon. Member for Falkirk burghs (Mr. Baird) and his family were held in the town of Airdrie. No men in Great Britain behaved with greater kindness to their workpeople than they. In addition to that, they had built churches and made great exertions to promote education among the humbler classes in the town. An endeavour was made to get up a petition against the sitting Member for the Falkirk burghs; but that petition fell to the ground, for want of evidence, on the last day on which it could be presented to the House. The parties who promoted that petition were active partisans at the election against the sitting Member.

LORD JOHN RUSSELL said, as to the Motion of his hon. Friend (Mr. E. Ellice), which was for the introduction of a Bill for the appointment of a Commission with regard to St. Albans, founded on the report of an Election Committee, that they had reason to believe that extensive bribery prevailed at the last election for the borough, he could not conceive a more legitimate ground for that measure than that which had been stated by his hon. Friend. Therefore he should have no hesitation in giving his vote in favour of the introduction of such a Bill. The hon. Member for the West Riding of Yorkshire had brought another case forward, and he should be certainly very far from saying that there ought not to be some inquiry with regard to the case, because he thought that so far as notoriety and scandal went, it was a case that ought not to be passed over by the House when brought before it by a Member of the House. But he could not agree that the two cases should be embraced in the same Commission. He thought that they stood upon perfectly distinct grounds, the one case resting on the Report of a Select Committee, and the other resting at present on a petition presented to that House. What was the course to be be taken by the hon. Member for the West Riding he was not prepared to say at present, but he was prepared to say that the two cases ought not to be mixed together, and that his hon. Friend (Mr. E. Ellice) ought to be allowed to introduce his Bill without this Amendment.

MR. FRESHFIELD felt he should forfeit the confidence which had been placed in him by his constituents if he permitted to go unnoticed the wanton and unfounded attack which had been brought against him by the hon. and learned Member for Sheffield. At the recent election for Boston, there was no music, or anything to occasion the slightest excitement, or to warrant the statement which had been made by the hon. and learned Member.

MR. LOCKHART said, there was no family in the three kingdoms which had done more to promote the welfare and comfort of its dependants than the family to which the hon. Member for the Falkirk district of burghs (Mr. Baird) belonged. He had endowed churches for the accommodation of the people, and built schools for the religious education of the children, and there was no family in the kingdom more remarkable for charity or patriotic feeling.

MR. HENRY BERKELEY begged to express his thanks to the hon. Member for the West Riding of Yorkshire, for the *exposé* he had made to the House with respect to the election for the Falkirk burghs.

Mr. COBDEN said, he was in the hands of the House. It had been suggested that he should make a separate Motion to the House for a Committee to inquire into the Falkirk election. He thought the example of the hon. Member for St. Andrews (Mr. E. Ellice) would not encourage any other hon. Member to undertake a Select Committee. But as this matter was now before the House and the country, he thought it was the duty of the Government to say what ought to be done in this case; and he ventured to suggest that the right hon. and learned Lord Advocate of Scotland would be a proper person to conduct an inquiry into the merits of the case. He would, however, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to;* Bill ordered to be brought in by Mr. Edward Ellice and Mr. Henry Stuart.

The House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, May 7, 1851.

Minutes.] Public Bill.—1° Common Lodging Houses.

AUDIT OF RAILWAY ACCOUNTS BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. LABOUCHERE said, that although on the second reading of the Bill he had addressed a few observations to the House, yet, as it was at a very late period of the evening, he might be allowed now to state very briefly the view he was disposed to take of the general subject, before Mr. Speaker left the chair. If this Bill was to be considered as establishing a system of railway audit, which should satisfactorily discharge that important duty, and should secure to the shareholders and the public a really efficient and independent audit of railway accounts, which should provide for the case (the only one in which it was important that an independent audit of railway accounts should exist) in which the directors withheld from the shareholders and the public the real state of the accounts, and put forth delusive statements of the affairs of the company—he was afraid that this Bill would provide no efficient remedy against that state of things. He believed that if it had passed into a law some years ago, it would not have provided an effectual check against those transactions, which excited so strong a feeling throughout the country, with regard to the conduct of the directors of some railway companies. He believed that the same power which the directors exercised over the great body of the shareholders would have been also exercised over the auditors appointed by the shareholders under this Bill, and that it would give the shareholders themselves and the public at large no additional security of any importance against the recurrence of such transactions. He had been told that this might be so in past times, but that public attention was now awake to the management of railway affairs—that the public mind was enlightened on the subject—and that it was utterly impossible that events of the same kind could occur again. But he could not forget that when the question of railway audit was discussed in that House on various occasions, before the occurrence of the events to which he had alluded, they were assured by hon. Members of that House, who were directors of various railway companies, that no additional security on the part of the public was necessary—that there was then an efficient audit of accounts—and that it was impossible that the true state of things should not be always accessible to the shareholders. He could not conceive that any system of railway audit could be efficient which was not continuous, and was not in the hands of persons independent, not only of the directors, but of that influence over the shareholders which the directors naturally and properly exercised so long as they had the confidence of the shareholders. He objected, therefore, to the very principle of the Bill, if it was meant to be considered as providing an efficient audit of railway accounts. At the same time he did not deny that there were provisions in the Bill which might be of use, and which were improvements upon the present state of the law; and as he was not prepared to bring forward any measure for establishing an efficient railway audit, he should with an ill grace oppose the attempt of his hon. Friend the Member for Honiton (Mr. Locke) to improve the present state of things. He (Mr. Labouchere) did not bring forward such a measure as he conceived to be satisfactory on this subject, because he knew that he should not be able to carry it against the opposition of the railway interest in that

House; the general public being absolutely apathetic on the subject, except when aroused for a time by the discovery of great malpractices. A proper system of audit should put the auditors in such a situation that they should be really and truly independent of the directors, either directly, or through the body of shareholders. He thought that a measure of this nature should be originated by the Government. In the Bill of last Session he believed that he had reduced the interference of Government to the minimum, and he rejoiced if that interference could be done away with altogether, provided he could see the audit placed in the hands of independent parties. By the Bill now before the House, the Committee who were to elect the auditors were to have precisely the same qualification that was possessed by the directors. Was it not, therefore, clear that those gentlemen who were to elect the auditors would be very much in the situation of the directors; that they would, probably, expect to be directors some day or other, or that at all events they would be actuated by precisely the same motives and influences that would actuate the great body of shareholders? He did not say that the auditing of railway accounts ought to be placed in the hands of the Government; but he said it ought to be confided to persons whose inquiries would effectually prevent the possibility of a recurrence of those discreditable transactions on the part of railway directors, which it was well known had formerly taken place. The hon. Gentleman near him the Member for Kendal (Mr. Glyn) smiled at that statement, as if the recurrence of such transactions were impossible. Now, he was ready to bear his testimony to the fair and honourable spirit as well as to the great ability with which the hon. Gentleman presided over the management of the North Western Railway Company; and he had no hesitation in saying that if he had the good fortune of possessing shares in that company (and it so happened that he did not possess shares in any railway company), he believed he could not pursue a wiser course than to place unlimited trust in the hon. Gentleman, rather than confide in his own very inferior capacity in the management of such property. But they had then to deal with the case of directors who might wish to deceive the shareholders and the public; and the Bill before the House would provide no remedy for such a case. With these views he confessed that he felt no great interest in the Bill; but as he believed that it nevertheless contained some improvements on the present state of the law upon the subject, he should offer no opposition to the Motion that Mr. Speaker should leave the Chair.

MR. E. B. DENISON said, he was sorry that the right hon. Gentleman the President of the Board of Trade had not made his statement upon a former occasion. The right hon. Gentleman had told them emphatically that that was a Bill which could do no good. In that opinion he entirely coincided with the right hon. Gentleman; and he would further tell him, that, notwithstanding the great power of the railway interest in that House, the right hon. Gentleman would have met with more support than he seemed to expect in an attempt to pass a more efficient measure. The right hon. Gentleman had said that the Government ought to have endeavoured to deal with that question, and to have taken their chance for the adoption of a Bill really calculated to meet the existing evil. The present Bill would not at all meet the case. He had himself given notice of an Amendment in the first clause, which would tend, he believed, to improve the Bill, and he should certainly press that Amendment. He wished to have a strict auditing of railway accounts. But that Bill would not ensure that object. It would be nothing more than a putting off of the evil day. Therefore, as it was his firm belief that the Bill was worth nothing, he should feel it his duty to oppose it in every stage.

MR. EDWARD ELLICE, said, that if they adopted the principle that Parliament should interfere to protect the shareholders in joint-stock companies, they ought to include in this measure, not only railway, but banking and insurance companies. Within the last few years joint-stock companies, calling themselves insurance and banking companies, had been established in Scotland, and through the misdeeds of the directors had been infinitely more ruinous to their shareholders than even the most ruinous of the railway companies. In many of these companies large sums were paid up by the shareholders, the shares were issued at a profit, and then, after the directors had month after month issued the most flattering reports, the companies became bankrupt, and the shareholders not only lost all the capital they had paid up, but were actually obliged to pay in more. He thought the Bill utterly inadequate to accomplish the object proposed; but if it was to go on, he should at the proper stage propose that insurance and joint-stock banking companies should be included in its operation.

Mr. LOCKE said, that after four Railway Audit Bills had been introduced into that House within the last three years without one of them being carried, he thought it a little hard that when the railway proprietors came forward with a Bill of their own, notwithstanding the right hon. President of the Board of Trade had confessed that he had tried to legislate on the subject without success, railway directors who were Members of that House should come forward to oppose it. In consequence of certain flagrant acts committed by railway directors, the Government thought they were bound to interfere for the protection of individual shareholders, and they introduced a Bill founded on the principle of a Government audit; but it was well known that the railway shareholders were opposed to all Government interference in their concerns. The railway directors then propounded a plan of audit, but the shareholders decided that that did not go far enough, and would not accomplish the object in view; and the proprietors of the various companies then appointed delegates, forty of whom, representing 120,000,000*l.* of capital, had been occupied eighteen months in preparing the present Bill, to which they had instructed him to ask the assent of the House—a Bill which he thought should not be treated in the way it had been by the hon. Members who had preceded him.

Mr. HUME held that the Government ought not to interfere with any joint-stock company further than to give them facilities and powers for legally regulating their own affairs. Was there any one who objected to the plan of appointing five shareholders to act as auditors, which had been adopted by some of the best companies, and in some of the best-considered Acts of Parliament? The parish of Marylebone had a vestry under an Act of Parliament. On the day when the directors were elected, five ratepayers, not being members of the vestry, were also elected to be auditors for a year. The parishes under Sir John Hobhouse's Act were under the same system, which worked so effectually that a large portion of the vestry of Marylebone was turned out last year on the recommendation of the auditors. He hoped the Government would divest itself of the desire to centralise in such matters, and protested against any attempt on their part to interfere with joint-stock companies.

Mr. LABOUCHERE wished to explain one point upon which his hon. Friend (Mr. Hume) had misunderstood him. He had stated distinctly that what he wished to see, if he could induce the House to pass such a Bill, would be a system of audit independent of the directors, and independent also of the influence which the directors necessarily exercise through the shareholders; but he wished that, if possible, Government should have nothing to do with it.

Mr. STANFORD was of opinion that the value of any Bill on the subject depended on its details. Shareholders were at present apathetic with respect to an audit of railway accounts, those who had suffered from frauds having parted with their stock; but the question still was one that ought to be dealt with. He thought they must all admit that there ought to be an efficient system of audit, and the question was, how could that be brought about? With respect to the measure before the House, the hon. Gentleman who introduced it (Mr. Locke) must have relied very much on the ignorance of hon. Members on the subject; for how otherwise could he suppose that any Member of that House, on reading the Bill, would think that it would secure the shareholders? If the Bill were really what it purported to be, and ought to be, namely, an Audit Bill, it should be confined to that question; but such was not the case, for the whole question of railway management, the election of directors, and a variety of other matters, were included in it. A measure, to be effective, should concentrate the attention of the House on the question of audit; and even if this Bill possessed the merits which the hon. Gentleman attributed to it, any railway company might call a meeting and nullify its effects. The hon. Gentleman who introduced the measure had referred to the meetings of shareholders that had taken place on this subject; but he (Mr, Stanford) must say that he took a different view from the hon. Gentleman of what had happened at those meetings. The opinion of the House would be materially influenced if it were thought that forty delegates had carefully deliberated on the present measure. He (Mr. Stamford) had been appointed a delegate to the convention of shareholders, and attended the second meeting, when, instead of forty, he found that but a few were present. It might be that there was a continued accretion or aggregation of delegates. There were some at that meeting, and others at a third and fourth. There might have been forty at different times, representing 120,000,000*l.* Such a measure ought to emanate from one mind. Out of five delegates from the Great Western, two could not be got to agree with the others. He would most respectfully insist that one half of the railway interest, whose capital was 120,000,000*l.*, was not in favour of this measure. What was there in this Bill to protect the shareholders that was not to be found to exist under the present system? They could never have an independent shareholders' audit, unless they laid down a general principle, and rigorously carried it out—namely, that no director, official person, or persons professionally employed, or any person having an interest directly or indirectly, except shareholders or bondholders, should be allowed to interfere. The power of interference should be confined to the shareholders who had held their stock for a certain period, say six or twelve months; and he would also include the holders of debentures, a class of persons who could not be easily acted upon, and who would see that the audit was plain and efficient, He would supply another guard to prevent the exercise of any improper influence. He would authorise the different railway companies to elect a body of about 300 persons, who would meet together on due notice, and under certain checks, for the express purpose of electing those railway auditors, who might be either three or five in number, and who would be qualified to carry out an efficient and searching audit. He thought that such auditors should hold their offices for life, and should not be removable, unless they were guilty of gross impropriety of conduct.

MR. W. WILLIAMS thought the Government was most reprehensible in not having taken up this case. It was one of the greatest importance, for the amount of property invested in railways was equal to one-third of the national debt. The Bill of his hon. Friend (Mr. Locke) was opposed by railway directors, because they wanted to keep to themselves a knowledge of the real position of railway property; and railway property was much less in value than property of other descriptions, because the public had no confidence in the accounts presented, or in the present system of audit. Though this Bill would not establish a perfectly efficient system of audit, it would still be a great improvement on the present one; and if the Government did not give them some hope that they would introduce a more efficient measure, he would support the Bill of the hon. Member for Honiton.

MR. CHAPLIN said, that if this had been a simple Audit Bill, he should not have said a word on the subject; but it went further than that, and would place considerable power in the hands of irresponsible persons. It was a fact worth mentioning that not a single petition had come to that House in favour of the Bill from any one of the holders of railway property, although that was stated to be upwards of 200,000,000*l.* in value. Let them look to their past legislation with respect to railway companies, and what advantage had it produced? They had passed a law that third-class passengers should be carried at the rate of one penny a mile; but if they had not interfered, the railway directors might have found from experience that they could convey this class of passengers at a lower price than was inflicted upon them by the legislation of that House. He thought that if they left the matter to the directors, they would obtain more experience on the subject, and public opinion would keep matters right. He was of opinion that, even at present, the accounts were tolerably well audited; and where, he asked, was the director who would stand up and refuse a fair and proper audit to the shareholders? He begged to call attention to the imperfect nature of the clause in the Bill with respect to the accounts to be audited. Every one knew that the largest outlay consisted of the expenditure for the purchase of land, for locomotion, and for engineering; but the clause merely referred to salaries, repairs of permanent way, stations, and buildings, so that if they had any other works going forward, there was nothing in the Bill to authorise the audit of the expenses of such undertakings. He should move that the Bill be committed that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will upon this day six months resolve itself into the said Committee," instead thereof.

MR. EWART said, the hon. Member for Salisbury (Mr. Chaplin) had not objected to the principle of the Bill, but only to details, which would be better argued in Committee. As he (Mr. Ewart) considered that the Bill would give to shareholders a degree of supremacy over directors which they had not hitherto possessed, he would give his vote in its favour. He thought a Government Bill to regulate commercial affairs was the thing most to be deprecated in a commercial country like England. The Bill of the hon. Member for Reading (Mr. Stanford) had been rejected almost unanimously by the railway delegates. But the Bill of the hon. Member for Honiton (Mr. Locke) had this advantage, that it introduced the representative system, and excluded persons interested in the management of railways.

Mr. HEALD objected to the measure on the ground that while it professed to be an Audit Bill it dealt largely with other matters, and would be a direct attack on the interests of shareholders. In his opinion the best way to serve the railway interest was to cease to legislate about it. The attention of shareholders was now sufficiently directed to their own interests, at the general meetings and elsewhere, to secure them against injury.

Captain HARRIS considered it to be the duty of the Government to take up the question; and their not doing so was another instance of their weakness and inefficiency. It was because the railway interest was a new interest, which people did not yet well understand, that an independent audit was necessary. As to the Bill before the House, he would allow it to go into Committee, that he might then judge of the value of its various clauses.

Mr. LABOUCHERE begged to inform the hon. and gallant Gentleman who had spoken of the weakness of the Government as their reason for not introducing an Audit Bill, that Gentlemen approached a subject of that kind with a total indifference to party feeling. He never knew Gentlemen, where their interest was concerned, inquire whether the proposal came from the Ministerial or the Opposition side of the House. They were swayed on such occasions by motives more powerful than mere party motives; and with respect to such measures, whether a Government was weak or strong, made no difference whatever. When he (Mr. Labouchere) had endeavoured to introduce a proper system of railway audit, he had received quite as much opposition from his own friends as from the hon. Gentlemen opposite. An hon. Gentleman had expressed his intention to take the sense of the House on the Motion "That the Speaker do leave the chair," and although he (Mr. Labouchere) had not sanguine expectations of any material improvement being effected by this Bill, he would not, so far as his vote was concerned, oppose the proposition for going into Committee.

Colonel SIBTHORP said, he should like to see a clause introduced into this and all Railway Bills that came before the House, which should compel the directors to give compensation to the surviving families of persons whose lives were sacrificed by travelling on railroads, and to persons who were thereby maimed or injured. He held that the whole system of railroads had been prejudicial to the rights of private property, and in the highest degree dangerous to human life. As far as he was concerned he should ever prefer travelling by the stage-coach or coach and pair than by these railways.

Mr. J. L. RICARDO said, that whatever might be the opinions of hon. Members with regard to this Bill, there could be no doubt that a complete system of railway audit was most desirable. He was one of those who thought there were many things in the measure before them that were objectionable; but believing that the hon. Member (Mr. Locke) would, in Committee, show every disposition to listen to any objections against its provisions, he hoped the hon. Member for Salisbury (Mr. Chaplin) would withdraw his somewhat unusual Amendment—an Amendment of which he had given the House no notice whatever.

Mr. PACKE said, he must confess his ignorance as to how to give his vote on the question, after the observations of the right hon. Gentleman (Mr. Labouchere), who had said that he did not think this Bill would make any improvement in railway matters, and yet added, that he would vote for going into Committee upon it.

Mr. W. EVANS, although opposed to the measure generally, would vote for the original Motion, thinking it possible that the Bill might be advantageously altered in Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 72; Noes 49: Majority 23.

List of the Ayes.

Anderson, A.
Armstrong, R. B.
Baird, J.
Bell, J.
Bright, J.
Brotherton, J.
Brown, H.
Carter, J. B.
Charteris, hon. F.
Clay, J.
Clements, hon. C. S.
Cowan, C.
Craig, Sir W. G.
Dalrymple, J.
Davie, Sir H. R. F.
Duncan, Visct.
Duncan, G.
Evans, J.
Ferguson, Sir R. A.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goold, W.
Granger, T. C.
Greene, J.
Greene, T.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Headlam, T. E.
Herries, rt. hon. J. C.
Heywood, J.
Higgins, G. G. O.
Horsman, E.
Hume, J.
Hutchins, E. J.
Inglis, Sir R. H.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lawless, hon. C.
Lewis, G. C.
Lockhart, W.
MacTaggart, Sir J.
Matheson, Sir J.
Maule, rt. hon. F.
Miles, W.
Milner, W. M. E.
Moncrieff, J.
Mowatt, F.
Mundy, W.
O'Connell, M. J.
Patten, J. W.
Pilkington, J.
Prime, R.
Ricardo, J. L.
Romilly, Col.
Seymour, H. D.
Shafto, R. D.
Stanton, W. H.
Strickland, Sir G.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Verney, Sir H.
Vivian, J. H.
Watkins, Col. L.
Wawn, J. T.
Williams, J.
Williams, W.

TELLERS.
Locke, J.
Ewart, W.

List of the Noes.

Baillie, H. J.
Baldock, E. H.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Beresford, W.
Boldero, H. G.
Cochrane, A. D. R. W. B.
Denison, E.
Dod, J. W.
Drumlanrig, Visct.
Drummond, H. H.
Dundas, G.
Du Pre, C. G.
Ellice, E.
Emlyn, Visct.
Evans, W.
Farrer, J.
Forbes, W.
Forester, hon. G. C. W.
Freshfield, J. W.
Frewen, C. H.
Gore, W. R. O.
Grenfell, C. W.
Hallyburton, Lrd. J. F. G.
Hastie, A.
Heald, J.
Heneage, G. H. W.
Hornby, J.
Lacy, H. C.
Long, W.
Mackenzie, W. F.
Mahon, Visct.
Manners, Lord C. S.
Nicholl, rt. hon. J.
Packe, C. W.
Perfect, R.
Powell, Col.
Reid, Col.
Renton, J. C.
Scott, hon. F.
Smith, J. B.
Smollett, A.
Spooner, R.
Stafford, A.
Taylor, T. E.
Tyler, Sir G.
Waddington D.
Willyams, H.

TELLERS.
Chaplin, W. J.
Grenfell, C. P.

Main Question put and *agreed to.*

House in Committee; Mr. Bernal in the chair.

Clause 1.

Mr. E. B. DENISON moved, as an Amendment—

"To leave out all the words from the word 'That,' in Clause 1, to the end of the clause, in order to add the words, 'notwithstanding anything contained to the contrary in any Act relating to a particular railway company, or to railway companies in general, it shall be lawful for any railway company, in extraordinary general meeting assembled, to determine from time to time the method of selecting auditors of the accounts of that company, and the qualification of such auditors, their remuneration, and their duration in office; and also from time to time to determine the method of auditing the accounts of that company; and whether any and what persons shall be employed for the purpose of investigating the said accounts in aid of the auditors of that company; and whether the audit thereof shall be continuous or occasional; and what publicity shall be given to the said accounts; and what access shall be allowed to all or any of the books in which the same are contained, or to the registers of proprietors and of transfers; and whether copies of all or any of such documents or abstracts thereof shall be periodically or occasionally circulated amongst the shareholders."

At present, railway companies were subject to the control of the Companies' Clauses Act, which compelled them to elect auditors, to publish their accounts, and to conform to various other regulations; and he thought it desirable to leave the audit of railway accounts in the hands of the shareholders, where it was at present. Unless there was to be an independent audit—on which he should not say one word, because this Bill did not contemplate such a thing—he was thoroughly convinced that House would interfere with the present working of railway concerns, and that it would be better for the public and railway shareholders to leave the matter as it stood at present rather than legislate in the manner proposed by the hon. Member for Honiton (Mr. Locke). He (Mr. E. B. Denison) did not say the existing system of audit was perfect. On the contrary, he did not think the public was properly protected by it; but he only objected to the Bill of the hon. Member (Mr. Locke), because it provided an inefficient remedy.

The CHAIRMAN thought an Amendment such as the hon. Member (Mr. E. B. Denison) proposed, which went to strike out every part of a clause excepting the initiatory word "That," for the purpose of substituting an entirely new provision, was irregular. The Amendment proposed, in fact, to substitute a new clause for the first clause, retaining only the enacting word "that;" and it would be for the Committee to determine whether they would consent to such a course, which he thought was inconvenient.

Mr. HUME suggested that the hon. Member (Mr. E. B. Denison) should endeavour to embody his Amendment in a new clause at the end of the Bill.

Mr. W. MILES said, the clause in the Bill had reference to a system of keeping railway accounts, and he thought it would prove a most useful clause; but the Amendment of the hon. Member (Mr. E. B. Denison) had nothing whatever to do with keeping accounts, and was to all intents and purposes a new clause.

Mr. E. B. DENISON would candidly state that he thought by stopping the Bill at its outset, he would be saving the time and trouble of the Committee in a consideration of the subsequent clauses, which he thought exceedingly objectionable. He was, however, in the hands of the Committee, and would be guided by them.

Mr. LOCKE would put it to the Committee whether it was treating this Bill with the consideration to which it was entitled, to endeavour to stifle discussion upon it at its very opening?

Mr. STANFORD said, that the attempt to regulate and control the financial proceedings of all the railway companies in the country by compelling them to frame their accounts according to one prescribed schedule, was simply absurd. The thing was impossible; and, what was more, it was not necessary. Would it not be much better to select experienced and competent men to act as railway auditors, and leave them to frame the accounts in each case as they should think fit, rather than treat them as children, and pin them down to a certain prescribed formula, from which they should not on any account depart?

Mr. H. BROWN said, that if the Amendment were carried, the hon. Member for Honiton (Mr. Locke) would be obliged to withdraw the Bill altogether; and the consequence would be that, in order to obtain the same end, the Government would be compelled to put in operation what he was sure would be found to be a most offensive interference with railway property.

Mr. E. B. DENISON said, he would withdraw his Amendment, and propose instead that the first clause should be negatived.

Mr. EDWARD ELLICE opposed the clause. He deprecated the attempt on the part of the hon. Member for Honiton (Mr. Locke) to undo the whole system of railway accounts. Every railway company was now keeping its accounts on its own system, and the attempt to reduce the mode of keeping those accounts to one uniform plan, was utterly impracticable. If they were to have an audit of railway accounts, he much preferred the plan of the right hon. President of the Board of Trade to that of the hon. Member for Honiton. He thought the manner in which the clause would operate would throw railway property into that confusion and danger from which it was only now escaping. The shareholders had at present sufficient powers to secure to them a good audit, so that, even if legislation were wanted, it was for the buyer in order to make him acquainted with the value of what he was about to buy. Being of opinion that the schedules in the clause would lead to confusion, and, also, that the shareholders had sufficient powers of audit, he should vote against the clause.

Mr. MOWATT was surprised to find that any man, not merely one who had had to do with railways, but any one who had observed—and who had not?—the ruinous results which had befallen railway property in consequence of the manner in which shareholders had been bamboozled, if not defrauded, by the loose system of keeping accounts which had hitherto prevailed—he was surprised, he said, to find any one, and least of all the hon. Member for St. Andrews (Mr. E. Ellice), maintaining that the present system of keeping accounts was anything like satisfactory, and that an improvement was not desirable. That the system proposed by the present Bill was the best that could be devised, he would not say, though he should himself support it until a better was suggested; but he was bound to suppose that there was nothing very faulty about it, otherwise he should have heard a substitute proposed. The hon. Member for St. Andrews said that the shareholders had already the power of protecting themselves. He knew that, theoretically, this was the case; but every person at all conversant with the practical working of railway affairs, knew that the directors had the power of passing any resolution they might think fit.

Mr. EDWARD ELLICE said, that so far from having maintained that the present system of keeping railway accounts was in a satisfactory state, he had said that railway property was just emerging from the chaos into which it had been plunged by improper management within the last few years. Neither did he deny that improvement was desirable; but what he objected to in the clause was this, that as at present no two railway companies kept their accounts on the same system, it would create immense confusion to make them all conform in future to one absolute rule.

MR. HUME said, that all they would affirm by agreeing to this clause would be this—that there shall be one set of accounts kept by all these railways. It should be recollected that this schedule had been prepared by two able accountants who were selected by the delegates of forty companies. They had brought this forward as the means of settling a most important question. It now appeared extraordinary to say, that if the matter were left to these companies they would object to it. He hoped that the Committee would affirm the necessity of keeping these accounts.

MR. HEYWORTH said, that there was great loss of property sustained from the want of these accounts; for the evils produced in this country in respect to these railways would have been detected long ago, if we had had a proper system of accounts kept. The real sources of the loss were the numberless competing lines to convey the traffic to and from the same places. He would certainly give his vote in favour of the clause.

MR. SPOONER was quite sure that the Bill could not pass through Committee, because it was evident that it would be a complete waste of time to make it work. The object of the clause was to lay down a specific plan by which one system of accounts only should be observed in respect to railway property embracing about 120,000,000*l.* He believed it utterly impossible to carry out such a system, and he had no hesitation in saying that it would prove an utter failure. He was of opinion that it was idle to attempt any such legislation, and he warned the Committee that if they went on with the Bill they would find several clauses so objectionable that they would at length see it was but a waste of time to have considered the matter at all.

MR. J. L. RICARDO wanted to know how the hon. Member for Honiton (Mr. Locke) proposed to deal with a case where there was a railway and a canal working together?

MR. LOCKE had no objection to answer the hon. Member's inquiry at once. This clause did not prevent them altering the schedule according to the circumstances of the case. It was, therefore, idle to raise objections to the measure simply because there might be a canal in connexion with a railway. The object of the Bill was not only to protect the buyers but also to protect the property of all who were connected with these railways, and to prevent them from being defrauded. If there was anything more than another of which the shareholders complained, it was the irregular and complicated manner in which their accounts were generally kept. He was a shareholder in many of the railways, and he felt it impossible to get a true account of many of the items. So long as they allowed the existing system to continue, so long would the shareholders be prevented from exercising any control over their own property. He believed that the schedule in his Bill was similar to the one adopted by the London and North-Western Railway Company.

MR. J. L. RICARDO said, the main end and object of this clause was to have the same form of accounts for all railways. This he did not believe to be possible, and the hon. Gentleman himself had introduced a provision that the form of accounts should be as near his form of accounts as the circumstances of each case would admit. When this was the mainspring of the clause, the Committee was entitled to explanation, because no uniform state of accounts could be got. His object was the same as that of the hon. Gentleman (Mr. Locke), but he did not think the hon. Gentleman's clause would meet the difficulty, and he would therefore oppose it.

MR. D. WADDINGTON thought that parties would avail themselves of this clause to defeat the very object which the hon. Gentleman (Mr. Locke) had in view. The desire was, that railway proprietors should know their working expenses one half year as compared with another; and this result could only be obtained by comparing the same system of accounts. He called on the House to judge for itself, and not to follow the views of the railway delegates, among whom there had existed considerable differences of opinion. The Bill would fail to give satisfaction to the railway proprietary. The real way of getting an audit was to have auditors appointed by the shareholders independently of the board of directors, and giving them the power to call in a public accountant.

Mr. LABOUCHERE entertained a strong impression that the Committee could not lay down any uniform system of accounts without, also, giving a general power to vary the mode of keeping the accounts according to circumstances. If they were to act on this principle, it was essential that the auditors should be entirely independent of the directors. He was not in favour of tying the companies down too exclusively to any particular form of accounts; he believed that the public at large had a deep interest in the management and condition of railways generally, and that they had a right to see that the accounts were properly kept. He would be unwilling to vote against the clause, because, if it were rejected by the Committee, the effect would be to destroy the Bill altogether, at the same time he thought that some provision ought to be introduced, giving a certain latitude. The clause as it stood was defective. The audit of accounts was not merely a matter between shareholders and directors, but one in which he held the public had a very great interest. He believed they had a right to interfere, and see that a proper audit of railway accounts was kept. As there was no substitute for this clause, he should support it, for the Bill would be useless without it; but if a proper clause was introduced, he would willingly vote against that now before the Committee.

Mr. MOWATT did not understand that the Bill tied down the directors in any way from giving any items they considered necessary by way of explanation or otherwise. The Bill merely provided that certain leading items should be requisite from all companies. The railway world and the public were greatly indebted to the hon. Member for Honiton for his Bill.

Mr. SPOONER thought, that if the auditors were to be tied down strictly, no schedule would remedy the evil, or in all cases give the shareholders the information they had a right to.

Mr. E. B. DENISON was of opinion that the Committee had not sufficient experience to lay down a rule as to the form of railway accounts which should be binding on all railways. He was convinced that the measure was not right in principle or detail; and he hoped the right hon. President of the Board of Trade, who, he believed, supported this Bill only because he was anxious to have an Audit Bill, would turn his attention to the subject, and bring in a measure on the authority of Government.

Mr. LABOUCHERE said, that in Lord Stanley's Audit Bill there was a schedule laying down a form of account, but there was also a clause giving a discretion to make such alterations as circumstances might render necessary; and such a discretionary power as he had said must be introduced into this Bill to make it a practical measure for its purpose.

Mr. E. B. DENISON considered that the right hon. Gentleman had admitted the whole principle for which he contended.

Mr. LOCKE said, the clause as it stood was precisely similar to that in Lord Stanley's Bill.

Motion made, and Question put, "That the said clause stand part of the Bill."

The Committee divided:—Ayes 81; Noes 60: Majority 21.

Clause agreed to; as were Clauses 2 to 5.

Clause 6, which disqualifies directors and auditors from voting.

Mr. J. L. RICARDO said, that it would be very hard not to permit the directors a vote in the election. The effect of this clause would be to deprive them of this advantage. He considered that the words in the clause except "in his own right," would prevent a director from using powers which shareholders in all parts of the country were in the habit of sending to directors in whom they placed confidence; and he proposed that those words should be omitted.

Mr. J. EVANS said, the evil arose from noisy and ill-conditioned persons driving away all the quiet and peaceable ones, who were thus obliged to send up their proxies. He begged to ask the hon. Member for Honiton whether he intended to prevent the directors using such proxies?

Mr. LOCKE said, the clause had nothing to do with the proxies of other shareholders, it only prevented directors from voting upon the shares that belonged to the company.

Words struck out. Clause agreed to; as was also Clause 7.

Clause 8.

Mr. H. BROWN moved to add, in this clause, an Amendment of which he had given notice.

Amendment proposed—

"In p. 4, l. 40, after the word 'line,' to insert the words 'and also that such auditors shall require to be produced to them, once at least in every year, all bills of costs for charges in law, equity, conveyancing, and Parliament, and that the said auditors shall have full power and authority, if they shall think fit, to employ some competent person or persons to examine and report to them upon the charges in such bills of costs, and also to tax the same before the proper authorities.'"

MR. SPOONER objected to give so much power into the hands of the auditors without being controlled by the shareholders. This would, in many cases, impose a heavy charge upon the shareholders, which they might think altogether unnecessary, but against which they could have no remedy if this Amendment were agreed to. He thought such a power should be vested in the hands only of the directors and shareholders.

MR. LOCKE agreed with the sentiments of the hon. Member for North Warwickshire (Mr. Spooner), and recommended the hon. Member for Tewkesbury (Mr. H. Brown) to withdraw his Amendment.

MR. LABOUCHERE was in favour of the Amendment, for he believed legal charges had been made the cover for more improper expenses than any other, and required to be more peculiarly watched. He should therefore support this Amendment if it went to a division.

MR. E. B. DENISON said, the solicitor on the Great Northern line had at all times been willing to have his charges sent for taxation.

MR. H. BROWN said, that on one railway board with which he was connected, the solicitor sent in his bill, charging 20,679*l.* 5*s.* 9*d.*, and as the company had not the money to pay it, the chairman proposed to give the solicitor their note of hand, bearing interest at 5 per cent. He (Mr. H. Brown) proposed that it should be sent to the taxing-master, which was done, and the bill was reduced from 20,679*l.* 5*s.* 9*d.* down to 8,337*l.* 15*s.* 7*d.*, and even of that sum only 15⅞ per cent was for outlay of money.

MR. J. L. RICARDO said, the Amendment would rather have the effect of perpetuating these abuses, as the directors would no longer tax the legal bills, as he knew most boards were now in the habit of doing, and with very beneficial effect.

MR. SPOONER said, what he had before said must have been misunderstood. He did not object to solicitors' bills being taxed, but he did object, after the whole responsibility had been taken out of the hands of the directors, that the auditors should have the power of subjecting a bill to a second taxation. The auditors' power ought not to extend beyond the right of sending back the bill to the shareholders to be re-examined by them. If the clause passed, he believed it would be difficult to find respectable solicitors willing to act for railway companies. He did not believe any respectable solicitor had any objection to having his accounts sent to the taxing-master of the House, Mr. May, because he was vested with a discretionary power, and could judge of the circumstances under which the expenses were incurred; but that would not be the case with the taxing-masters to whom the accounts would be referred under this Amendment.

Amendment proposed to the said proposed Amendment, to leave out the words "and also to tax the same before the proper authorities."

MR. FRESHFIELD wished to call the attention of the Committee to the consequence of carrying this Amendment. At present the solicitor to a railway company was often called upon to act on his own responsibility, and the directors, knowing the circumstances under which he acted, made allowances accordingly; but if this Amendment were carried, and the solicitor's charges were to go before a taxing-master, the solicitor, rather than have his accounts taxed in this manner, would come before the directors and require their express sanction for everything he did, and the express sum which they were willing to pay for it. Such a course, he thought, would be fraught with inconvenience to the directors themselves.

MR. GLYN hoped the Committee would attend to what had been said by the hon. and learned Member for Boston (Mr. Freshfield). It often occurred that a solicitor received general instructions to engage the best counsel they could find, either at the Common Law or the Chancery bar, and it sometimes happened that a fee of 2,000*l.* was given in such a case; but it might happen that a taxing-master would refuse to admit such a fee, and in that case the expense would be thrown upon the directors. He thought this was a position in which the directors of a company ought not to be placed.

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The Committee divided:—Ayes 57; Noes 57.

And the numbers being equal, the Chairman declared himself with the Ayes.

Amendment *agreed to.*

Mr. J. L. RICARDO objected to the whole tenor of the clause, as placing auditors over directors, and suggested limiting the power of the former to the examination of the accounts, by leaving out the words, "any other matter or thing they, or any or either of them, may think fit."

Mr. LOCKE did not see what would be gained by leaving out those words. It was not intended that the auditors should interfere with the policy of directors; and if the hon. Gentleman had read the clause with sufficient care, he would have seen that, as it stood, it would not bear that interpretation.

Mr. J. L. RICARDO said, that the hon. Member (Mr. Locke) had not recollected sufficiently the clause itself, which said that the auditors might bring up a special report upon the accounts, the balance sheet, the scheme of dividend, or any other matter or thing they, or any or either of them, might think fit; and if that would not give the auditors power over matters not within their province, he (Mr. Ricardo) confessed he was perfectly incompetent to read the clause of any Act of Parliament.

Mr. HUME thought that the addition of the words "relating thereto," after the words "matter or thing," which would confine their report to the accounts, the balance sheet, and the scheme of dividend, and would not extend to the policy of the company, would meet the difficulty.

Mr. J. L. RICARDO thought that would not meet the object in view, as there were other words which required considerable alteration, and therefore he moved that the Chairman report progress.

Mr. EDWARD ELLICE considered the whole Bill would mix up the duties of auditor with the duties of directors. He could not consent to the clause as it stood; whether it could be amended or not required consideration. He reminded the Committee that it was impossible to arrange the clause satisfactorily over the table; the amendments ought to be maturely weighed and submitted to counsel, and therefore he must positively decline acceding to any alteration.

Mr. LABOUCHERE would not say whether or not some amendments might not be made, but he ventured to caution the Committee if they really desired an effective audit, how they limited the powers of the auditors to examine papers and accounts, for, without very large powers, it would be impossible that auditors could discover transactions, perhaps of the very worst description. He would instance a supposable case; there might be dealings with the capital of a railway company in some materials, as wood or iron, carried on by directors, or the chairman of directors. He only mentioned the supposition for the sake of illustration. Unless the auditors had powers of looking not only into the mere accounts, but into transactions connected with those accounts, it would be impossible to expose transactions of that description. While he agreed with the principle that auditors ought not to interfere in the policy of directors, or relieve directors of the responsibility which properly attached to them, he thought it important that the audit should be efficient, and not merely nominal; and that they should be careful how they limited the scope of the powers given for the purpose. At the same time, he admitted the objection to the words of the clause.

Mr. E. B. DENISON understood from the clause, that auditors were intended to usurp the direction of the affairs of railway companies, and his conviction was, that if adopted, then farewell to the discretion of directors.

Mr. LOCKE would agree to the suggestion of the hon. Member for Montrose (Mr. Hume) to introduce the words "relating thereto;" but he considered it hard that railway gentlemen should be the persons to take exception to the clauses of the Bill; and after its having been in their hands for a considerable period, yet be unprepared to supply amendments.

House resumed.

Committee report progress; to sit again on *Wednesday*, the 28th May.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 8, 1851.

Minutes.] A Conference. Communications between the Lords and Commons—Amendments to Bills.

Public Bills.—2ª Exchequer Bills; Indemnity.
3ª Apprentices and Servants.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

Lord CAMPBELL laid on the Table the Report of the Select Committee on his Administration of Criminal Justice Improvement Bill, and his Prevention of Offences Bill, in which several important Amendments had been made, and moved that they be reprinted as amended. The noble and learned Lord said these Bills had been drawn by two very eminent members of the Bar, Mr. Greaves, Q.C. of the Oxford Circuit, and Mr. Pitt Taylor, the latter of whom was a grandson of the celebrated Lord Chatham, and inherited a great portion of his talents, and had also an ardent desire to improve the laws and institutions of his country. He (Lord Campbell) had received a letter from the Lord Chief Justice of the Queen's Bench in Ireland—one of the greatest Judges that had ever lived in either Ireland or England—who stated that he and his learned brethren in Ireland highly approved of these Bills, and anxiously wished to see them extended to that part of the United Kingdom. The noble and learned Lord concluded by moving that the Bills be committed to a Committee of the whole House.

Motion agreed to.

COMMUNICATION BETWEEN THE LORDS AND COMMONS—CONFERENCES.

LORD REDESDALE moved—

> "That in cases in which the Commons disagree to any Amendments made by the Lords, or insist upon any Amendments to which the Lords have disagreed, the Lords are willing to receive the Reasons of the Commons for their disagreeing, or insisting (as the case may be) by Message, without a Conference, unless at any time the Commons should desire to communicate the same at a Conference."

Agreed to; and the said Resolution ordered to be communicated to the Commons at a Conference, and their concurrence thereto to be desired. Message sent to the Commons for a present Conference.

APPRENTICES AND SERVANTS BILL.

The EARL of CARLISLE moved the Third Reading of this Bill, and briefly pointed out the alterations which had been made in the original form of the measure. In its altered shape, the number of inspections made as to the comfort and condition of young persons hired from the workhouses, would be made twice a year instead of four times; and it was now proposed that the certificates authorising prosecutions for negligence should be signed by two justices.

LORD BEAUMONT thought the 4th clause an inquisitorial interference between master and servant, and considered it highly objectionable to base their legislation upon a single case of monstrous and extreme cruelty. The means already existed for making anybody's grievances known to the public; and the system of inspection proposed by this Bill would almost entirely prevent persons from hiring any more servants from the workhouses of the country.

The DUKE of RICHMOND concurred in the objections of the noble Lord who had just spoken. If extreme cases of cruelty, like that of the Sloanes, were likely to be frequent, he thought they might legislate on the subject, but he disliked special legislation based upon an isolated case.

The EARL of CARLISLE replied. If the Bill would prevent the hiring of young persons in the workhouses at all, it would only be that class of persons who were likely to ill-treat them who would object to the inspector's visits. This Bill was not proposed to meet the case of the Sloanes alone, but there were other cases evincing an habitual cruelty towards unprotected young persons; such as the case of the Birds, in Devonshire, where the parties not only had illtreated the unfortunate girl Jane Parsons, but their cruelty was such that the poor creature died while in their hands. It was said these were extreme cases. For the sake of the victims, he hoped they were; but there were many cases of negligent and cruel treatment, the details of which never reached the public eye. The neighbours of the Birds allowed Jane Parsons to continue in her emaciated and declining condition, and people were apt to say it was no business of theirs; and unless they had a periodical and systematic inspection of unprotected and friendless young persons, they could never hope to prevent the recurrence of practices at which the heart of the country had so naturally revolted. In some instances the system of inspection had been voluntarily adopted by the boards of guardians, and the Poor Law Board had received representations from all parts of the country, strongly urging the adoption of a compulsory system of that kind; whilst there had been no objections to any of the details of the Bill raised by any board of guardians, or in any part of the country. He therefore trusted that their Lordships would agree to the measure, which had passed through the other House without opposition.

Bill read 3ª.

Amendments made.

Lord PORTMAN objected to the 4th clause as dangerous and inexpedient, and could not remain silent whilst it was proposed to be passed into law. At present there were 14,000 children with no parents, or at most with one parent, in the union workhouses, and there they must continue, without ever learning how to earn a livelihood, if this system of inspection was insisted upon. It would be a virtual prohibition of pauper apprenticeship in the small towns of the country. He therefore moved that the 4th clause be rejected.

The **Earl of CARLISLE** defended the clause.

The **Bishop of CHICHESTER** supported the clause, pointing to an instance where a systematic periodical inspection had been practically carried out, and yet there was no difficulty in getting rid of the pauper children.

Amendment *negatived*; Bill *passed*, and sent to the Commons.

EDUCATIONAL GRANT (IRELAND).

Lord DUNSANY presented a petition from the members of the Established Church of a parish in the county of Meath, praying that the schools under the direction of the Established Church might not be excluded from the grants allowed by Parliament for national education in Ireland. The noble Lord supported the prayer of the petition, contending that all that the petitioners asked for was the same encouragement for the schools of the Established Church that was already afforded to all other religious denominations. He had only recently returned from Ireland, and he found that the feeling against the recent aggression of the Pope had by no means abated, and the Protestants complained that the grants made to the Roman Catholic schools in Ireland were not made subject to the same conditions as those which were proposed to the schools of the Established Church.

Petition to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 8, 1851.

Minutes.] A Conference. Conferences with the Lords—Amendments to Bills.

Public Bills.—1ª St. Albans Bribery Commission. 3ª Compound Householders.

MALT TAX.

Mr. CAYLEY rose to submit a Motion to the House on this subject. The hon. Member said, that he was not surprised at the petition just presented by the hon. Member for Buckinghamshire, from the enterprising farmer with whom he (Mr. Cayley) was acquainted; and it was to endeavour to relieve him, and such as him, from the oppressive weight of taxation that bore them down, that he was about to ask the House to agree to his proposition. He had entertained hopes that he would not have been obliged again to trouble the House with a repetition of those claims of the farmers to relief which he had stated last Session; for he had expected that the Government would have themselves seen the justice of granting some measure analogous to that he was about to propose. Sure he was that no other measure, short of a return to that system which had been left, would give to the suffering farmers and landowners of the country so much relief as the repeal of the malt tax. In what predicament was the country at this moment? Had matters altered for the better since last year? Had we arrived at that haven of general bliss towards which we were piloted a few years ago, under a new system of legislation, of which neither this nor any other country had any experience? Was there one class of Her Majesty's subjects here, in spite of the boast of general prosperity introduced into Her Majesty's Speech, found in reality prospering, or which was profiting, under the change of legislation? He had, since the opening of this Session of Parliament, made inquiries in every direction, and he could not find a single instance of any class which could boast of prosperity. In Manchester, he found stagnation and depression, if not distress. In Glasgow, he found a repetition of the same stagnation and depression. From north to south, all over the country, the same depression, if not distress, was found. Was it for this they had sacrificed the farmers of Great Britain and Ireland? In their infatuated design to destroy the land—would they be so senseless—the Manchester school—as to destroy themselves also? And yet that would be the end. He had been in hopes that the Government would have taken into consideration the condition of that class, which Her Majesty, in Her Speech from the Throne, declared was suffering deep distress. But what measures had the Government proposed? Did they point to relief to that suffering class? Not in a single instance. He (Mr. Cayley) felt it impossible to give his support to the proposal for the renewal of the income tax to the Government for three years, because they threatened still further to carry out a bastard free trade under its shelter. He was also unable to support the Motion of the right hon. Member for Stamford (Mr. Herries), because it was for a gradual reduction of the income tax, with a view to its final extinction; and he was in hopes, under cover of that tax, to introduce measures for the mitigation of that oppressive system of taxation under which agriculture laboured. With respect to the window duties, he abstained from giving an opinion. He could not justify the window tax; but he could not see how those who professed to be favourable to direct taxation could object to a house tax, producing an equal amount to the window duties. This was the touchstone that tried those who pretended to be advocates of direct taxation. What had raised such an outcry against the window tax? Was the House credulous enough to suppose it was on sanatory grounds? or a benevolent desire to increase the amount of light in the cottages of the poor? The cottages of the poor were exempt from the tax; and might have generally twice the light they had—he meant small houses subject to the tax—without incurring any increase of taxation. The fact was, that the towns who opposed the window tax (and it was the same with a house tax) did so because it was a direct tax that could not be evaded, as the income tax might be, by the mercantile and manufacturing and shopkeeping community. With respect to the other proposals of the Government, the reductions of the duty on timber and on coffee were no relief to the agricultural classes. Growers of timber in this country and the colonies were already great sufferers from the fall of prices. Their suffering would be increased by this proposed change of duty. Adulteration of coffee was much talked of. Did not the high tax on malt lead to great adulteration in beer? Were there not carts going about the town with the advertisement of "the brewer's druggist"—and if there was a brewer's druggist, were there not brewer's drugs? There was salt to excite thirst, copperas to give a frothy head, and opium to intoxicate. Taking all the propositions of the Government, there was not one that tended to the relief of the suffering agricultural classes. The malt tax was so oppressive, obstructive, and obnoxious, that Sir Robert Peel, some years before his death, stated, that were the corn laws to be repealed, the repeal of the malt tax would follow. The right hon. Member for Ripon (Sir J. Graham) said, if they repealed the corn laws, the malt tax could not survive a year. Many other Members expressed similar opinions. The hon. Member for Wolverhampton (Mr. C. Villiers), when he proposed the repeal of the corn laws, said he would be happy to exchange that repeal for the repeal of the malt tax. But the hon. Member did not vote last year in favour of the Motion for the repeal of the malt tax; nor did the right hon. Member for Ripon; nor did the hon. Member for Manchester; nor did the hon. Member for Montrose. [Mr. HUME: I was ill in bed for ten days.] The hon. Member for the West Riding (Mr. Cobden), in his celebrated budget, put the malt tax at the head; but where was he last year? There never was such a running to and fro in the House as on that occasion last Session, when the Motion for the repeal of the malt tax was under discussion. But the Secretary of the Treasury need not have feared, for financial reformers never voted for the repeal of taxation when there was any chance of actually repealing it. In bringing forward the question at the present moment, he (Mr. Cayley) might be accused of a want of consideration for the national faith, or he might be accused of a desire to return to the system of protection. No one had a stronger attachment than he had to the maintenance of national honour; but was it the way to maintain the public faith to allow that interest from which the dividends were mainly derived to sink into depression and ruin? Sir Robert Peel said, in 1839, that were the corn laws repealed, the heavy burdens on land would have to be transferred to shoulders less heavily laden with taxation; and now the agricultural interest could not bear its present height of taxation. With respect to protection, there was no man in the House who had more excluded himself from the charge of making any direct attempt to restore protection than he had. At the meetings of farmers he had constantly told them to direct their attention to the remission of taxation, and that they should exhaust every means of obtaining relief before thinking of coming to Parliament to ask for a return to protection. In 1849, when he proposed a measure of relief to that House, he stated that he would be the last man to ask for a return to protection before the physic had worked a little longer. But the physic had worked. And the other day, at Glasgow, a merchant, addressing 600 of the people, five-sixths free-traders, declared that it could not be denied that stagnation was extending over commerce and manufactures, as well as over land, and that it could no longer be denied that the depression of agriculture could not exist without extending to commerce and manufactures. Whatever might be the boasts about the late experiment, such was the state of men's minds. Of the free-trading public, one-fourth distinctly stated that the experiment had failed, and that they were disappointed; one-fourth were privately convinced that there must be a change; one-fourth had their confidence converted into doubt; and the remaining fourth would rather go to the scaffold or ruin than confess their error. Five millions of taxes had been reduced since the repeal of the corn laws, but no part of this remission was for the relief of the agricultural interests. It was the fashion to say, that the hon. Member for Bucks sought to restore protection; but he (Mr. Cayley) maintained, that the hon. Member's proposed measures would all have had the effect of adapting the new system to the old interests. The line of policy taken by the hon. Member for Bucks was—if you have no corn-law legislation, you must have no corn-law taxation. Had the Government acted in that spirit? On the contrary, they acted on the principle of a man, who had embarked on an insane speculation, and continued to throw all his fortune into it, and thus kept casting good money after bad. There were only two principles on which this country could, with its heavy burdens on it, act—either to artificially sustain their means to a level with their burdens, or to bring their burdens down to a level with their means. It was with the view of bringing down their burdens to a level with their means that he made his Motion. What had been the object, or at least the effect, of the opposite system—the system of unprofitable cheapness? Labour could not benefit in the end by the ruin of its employer. The productive interests had not benefited. Who had benefited then, by this system of constantly declining prices? The annuitant, the tax-eater, and the Jew. With every fall of a shilling in price, there was a corresponding rise in the value of every shilling in the purse of the monied interest. Here was the impersonation of that pet favourite of Parliament—the bugbear of our legislation—"the consumer;" as if all men did not consume. But here was the only consumer who had no interest in common with productive industry; to him, under the euphonious phrase, the "consumer," all other interests were deferred. To these drones of the hive, had been sacrificed the industrious bees. What was the question before the House? There was a duty of from 70 to 100 per cent on one article of agricultural produce. They were told, when they should have free trade, that their hands would be unshackled; but they were not so. It was said, the malt tax was a consumer's tax, but it was a producer's tax also. Why did the manufacturers clamour to have the duty taken from raw cotton? Because they knew that it was a tax upon the producer. It was paid by the consumer, but it taxed the producer by diminishing the sale of his goods. Manchester would not stand this tax. There were none of the interests of this country, and especially the manufacturing interests—which were always alive to these subjects—which would tolerate that interference with their manufactures which the farmers suffered with their produce. The effect of the present system was to give a monstrous monopoly to the large brewers. The object which he had in view was to get rid of the tax, but not to embarrass the Exchequer. He would propose to repeal the duty at once, or, if that were inconvenient, to take half the duty off in October, and the other half in the following April. It was impossible, under a system of free trade, to keep the hands of the farmer shackled. He demanded, on the part of the agricultural community, that they should no longer be burdened with so oppressive a description of taxation. It was said, that wages had not been lowered in proportion to the declining price of corn; but could any one be found credulous enough to suppose that the farmers or manufacturers could continue much longer to carry on their operations at a loss? The labourers knew the absurdity of it, and they were taking every possible means to leave the country. He was astonished, in going into Yorkshire, during the Easter holidays, to find the number of the most respectable labourers who were emigrating to America and the colonies. His hon. Friend the Member for Devonshire had also told them the other night, that a similar process of emigration was going on in his part of the country. It was distressing to read the letters which were received by their friends from those who had preceded them to the States. The invariable burden of them was, not to lose time, but to join them immediately; and the language in which they were couched, showed that the writers were animated with feelings of hatred and disgust for the country in which so little regard was paid to the interests of British labour. The indifference of Government and of Parliament to this important subject was rapidly driving out of the country the very persons who would otherwise have been its principal support and mainstay. This iniquitous, unjust, and oppressive system of taxation could not long be suffered to remain unchecked. The time would assuredly come when the tax would be abolished. Of the truth of this prediction, he was perfectly persuaded. There was lying under cover of this tax a means of rescue to the agricultural interest, which would go far to recompense them for all they had lost. The effect of the tax was to raise the price of the poor man's beer 500 per cent. Were they prepared to keep from the poor man that which was to him a simple, and, at the same time, a necessary luxury. In years gone by, the poor man was allowed to make and drink his beer in his own house. His wife was then the brewer; but the legislation of late years had deprived him of this healthy and invigorating beverage, and had compelled him to repair to the gin palace and beershop, there to imbibe, amid scenes of immorality and crime, the most deleterious liquid. If they would at once strike at the root of the evil, and abolish the tax altogether, they would destroy the inducement to go to the beerhouse, and they would go far to prevent one-half of the crime which was committed by the working classes. The repeal of the malt tax was absolutely necessary to secure the improved morality of the people. The beer which the labourer could drink, if it were untaxed, would cost him but *5s.* per thirty-six gallons, or about one penny halfpenny per gallon. This reduction would amount to a reduction of 80 per cent from the present price; in other words, his beer would be five times as cheap, brewed at home. But the tax was not only oppressive to the consumer, but grossly oppressive to the producer also. The House might not be aware of the manner in which the malt tax operated upon the land. The average produce of an acre of barley land was five quarters, the tax of which amounted to *5l.* 10*s.* The landlord, in all probability, got about 25*s.* per acre, and the farmer 15*s.* (though at present he got nothing), but *5l.* 10*s.* was paid to the Crown. The ale which an acre of barley would make, was charged at a public-house 50*l.* 10*s.*; but, if the malt tax were repealed, the ale which the five quarters of barley would yield could be had for 10*l.* 14*s.* Therefore, the tax operated to the extent of the difference between 50*l.* 10*s.* paid now, and 10*l.* 14*s.*, which would be paid for the same quantity of ale if it were repealed. Was not this a tax on the poor? And if this consumption was diminished from three to five-fold by the price arising out of heavy taxation—was not the producer (who was the farmer) punished in a corresponding degree by that limitation in the demand for his goods? When he brought this question under the consideration of the House last year, he alluded to the reductions which had taken place in duties levied on articles of general consumption, and he had shown that whenever those reductions were made, as in the case of tea and coffee, the consumption had invariably increased from 300 to 800 per cent. If the tax on malt were reduced, the consumption would increase in the same ratio as in the case of tea and coffee; but if it were repealed altogether, there would be an extra demand for 10,000,000 quarters of barley. The complaint which the farmers now made, with regard to the repeal of the corn laws, was, the supply of 10,000,000 quarters of foreign grain; but if the malt tax were repealed, there would shortly grow up a demand for 10,000,000 more quarters of barley; and this new and extra demand would counterbalance the new and extra supply lately introduced from abroad. There would be an increased demand for 10,000,000 quarters of barley; for the consumption would be increased three-fold. Barley would at once rise. The growth, perhaps, of 4,000,000 quarters of wheat, and the same amount of oats and other grain, would be superseded by barley. The remaining 2,000,000 quarters might be furnished from abroad. Some doubted such a result. But take a hypothetical case. Suppose beer had never been heard of, and some one now discovered it—that it became so popular that 20,000,000 quarters were consumed—the growth of this country. Would that not raise prices —displace wheat and oats—and raise their prices also, from taking many million quarters out of the market? Suppose, after a while, so heavy a tax was laid on malt, that the consumption was reduced to 5,000,000 quarters—would that not create a tremendous fall in barley and all other grains? This might explain how great a benefit would accrue from the repeal of the malt tax, which prevented the consumption of 10 or 15,000,000 quarters of barley, and kept down the consumption to 5,000,000 quarters. A new and excessive demand was the natural remedy for a new and excessive supply. It was said that the country had grown more sober now; but a reference to returns would show that the decrease in the consumption of malt drink was to be traced to the pressure of taxation which had driven it out of consumption. Every successive increase of duty had diminished the consumption of malt. The effect of the legislation, of late years, in Ireland, had been to change the population from a malt-drinking community into a spirit-drinking population. In the year 1792, the tax on malt was 2*s.* 6*d.*; but in 1801 it had reached 6*s.* 6*d.* The result was, that the consumption had decreased from 1,280,000 barrels to 173,000,000, a difference of 700 per cent. The increased consumption of spirits in England during the last 45 years was twofold, in Scotland fivefold, and in Ireland sixfold. This increased consumption of spirits in Ireland and Scotland, as compared with England, was to be attributed to the reduction of duty. The duty on spirits in England was 7*s.* 10*d.* per gallon; in Scotland 3*s.* 8*d.*; and in Ireland 2*s.* 8*d.*; and the increase of consumption was in direct proportion to the reduction of duty. But this increased consumption of spirits contradicted the assumption, that the increased consumption of tea and coffee, as compared with malt liquor, was caused by more temperate habits in the masses. Malt was, in fact, driven out of consumption by taxation. It was said, however, to frighten the farmer, that the foreigner would send his malt, because he already sent his flour. This argument, however, would not bear examination, because the increased price of freight would be a drawback. The Frenchman could always beat us in the production of flour, because the dry climate of France was favourable to its grinding; and the freight of flour from diminished bulk was less than of wheat by one-half; but in the article of barley he could not compete with us, because malt required a damp climate, and malt increased in bulk, and cost more freight than barley. The quantity of good barley which the foreigner exported to this country was, after all, very little, not amounting to more than 500,000 quarters per annum, for he could no more compete with us in that commodity, than we could compete with him in the article of flour. The importations of foreign barley since the repeal of the corn laws were very little greater than those which took place before their repeal. In 1844, the import of barley was above 1,000,000 quarters. In 1847, when the price of corn was 44*s.* 4*d.*, the importations were 772,000 quarters; in 1848, 1,054,000 quarters; in 1849, when corn was 27*s.* 9*d.*, 1,380,00 quarters; and in 1850, the price having declined to 23*s.* 6*d.*, they fell to 983,000 quarters—or a falling-off of 25 per cent. He showed that in barley they were not afraid of the foreigner, and that there was no danger to be apprehended from the importation of malt, and consequently none to British agriculture. He had also shown that there would be an increased demand for British barley to the extent of 8,000,000 quarters; and from the displacement of wheat and oats to make room for the growth of this 8,000,000 quarters of barley, there was not a single acre of land in England, Scotland, or Ireland, that would not benefit as much as the barley land. It was a wheat and oats question quite as much as a barley question. The demand for 8,000,000 quarters of barley would reduce the growth of 8,000,000 quarters of wheat and oats in this country. It would take 8,000,000 quarters of wheat and oats out of the market. Would not that raise their prices? What did raise prices but an extra demand as compared with the supply? What lowered prices but an excessive supply as compared with the demand. What effect would the repeal of this tax have on the hop-grower? If the demand for barley were increased threefold, would not the demand for hops increase in the same proportion? He would like to know, therefore, what better relief could be given to the hop-grower than what would be conferred by the adoption of the proposition before the House? It would also, he had calculated, give a directly increased employment to 100,000 men, and indirectly to their families to the extent of 500,000. It would also have the effect of not only giving to the poor man a wholesome national beverage, but it would induce him to spend his evenings at home, instead of resorting to those haunts of vice—the beershops. He hoped the noble Lord the Prime Minister, who was not then in his place, would at the same time consent to promote the welfare and morality of the country, and to relieve the springs of agricultural industry. They had been told that there was no increase in the poor-rates, and that the revenue was on the increase. It would have been odd if the poor-rates had increased, when the population were emigrating by thousands and tens of thousands; and it would be also odd if our revenue fell so long as labour was employed out of the farmer's and manufacturers' capital. When that capital melted away, as melt it must if not replenished by profit, labour would in proportion cease to be employed, and the revenue in proportion decline. With regard to exports, there never was a period when the same noise was not raised about exports. The very distress and necessities of the manufacturer might compel him to force the export trade. Mr. Huskisson in 1821 and 1822, and Mr. Poulett Thompson in 1833 and 1834, denied the existence of distress, because there had been increased exportation. But the people of this country had found out that there might be increased exportation coincident with great pressure. In fact, it was notorious that exports were now forced to compensate for the diminution in the home trade; and it was equally notorious that the present export trade was unprofitable. There was a spasmodic effort under pressure to send goods abroad on consignment. The Government had declared that they would not retrace their steps. He was not asking them to do so. The country would very shortly do so, however, and in a tone not to be misinterpreted too, or he was greatly mistaken. But if Parliament would not retrace, it must at least redress. He now called on them to redress this grievous wrong. He knew that if that House did not do justice to the farmers, another tribunal would. To that House (the House of Commons) he would appeal for justice; and if it did not grant justice, where justice was so much needed, he would appeal to those whose ultimate influence none could deny—to those who, from bitter experience, knew what injustice was—to those who had only to go to their natural convictions to tell them what justice meant—to them, the million bees of our busy hive, the deluded victims of a suicidal policy, he would appeal for the redress of this crying wrong.

Motion made, and Question put—

"That leave be given to bring in a Bill to repeal the Malt Tax."

MR. ALCOCK said, he was not astonished that this subject of the malt tax should have been brought forward again in the present Session by the hon. Member for the North Riding of Yorkshire (Mr. Cayley); and he hoped that the hon. Member would continue to bring it under the notice of the House each succeeding year until something definite was done by the House in regard to it, either by repealing it altogether, or by obtaining such a remission as should afford the agriculturists some hope of gradual relief from this unjust impost. Was it to be wondered at that the farmer should complain when he was called upon to contribute to the revenue on the single article barley on its transference into malt as much as was paid on the whole of the property of the country? The income tax levied upon 170,000,000*l.* — the whole property of the country — amounted only to about 5,500,000*l.*, and the same amount was levied upon malt alone. The cultivated acres of the United Kingdom amounted to 77,000,000; only 1,000,000 grew barley, and that 1,000,000 of acres had to bear the tremendous burden of 5,500,000*l.* of taxation. The farmers had cause to complain not only that there had been held out to them no hope of relief, but of the apathy evinced by the House in the debate on the subject of this tax last year, and that amongst those Members who represented agricultural districts, there were many who opposed the Motion, both by their speeches and their votes. He was glad that public opinion had, in some places at least, been brought to bear with good effect upon the hon. Gentlemen who took that course. The hon. Member opposite, the Member for South Leicestershire (Mr. Packe), was one of those who had voted against the Motion of last year; but now he was happy to see that this year that hon. Member had given notice of a Motion to reduce the malt duty by one half, in the event of the failure of the Motion of the hon. Member for the North Riding of Yorkshire. He rejoiced at this, as it was desirable the country should understand that remonstrances, such as those which he presumed had been addressed to the hon. Member by his constituents, would be effectual. But not only was there reason for complaining that many of the agricultural Members had absented themselves from the division last year, or voted against the Motion, but the conduct of some amongst the manufacturing Members also was open to animadversion in reference to this question of the repeal of the malt tax. The hon. Member for Manchester (Mr. Bright) had voted against such a proposition on one occasion; and his right hon. Colleague (Mr. M. Gibson), who was not now present had voted in the same way. The hon. Member for the West Riding of Yorkshire (Mr. Cobden), too, he found did not vote in the division of last year, and he observed that he was not present to-night. But he was most of all surprised at the course taken by the Irish Members, very few of whom voted on the question last year, and who from their absence he supposed did not intend to vote on the present occasion. Of all persons those hon. Members who represented Ireland would, if they knew their own interest, take an active part against this tax. It was sad to read every day in the papers of splendid properties being sacrificed in that country because it was not permitted to cultivate the land in the profitable way in which it would be cultivated were the malt tax repealed, and such restrictions as that which prohibited the manufacture of beetroot removed. Professor Sullivan had shown in his pamphlet that sugar might be produced in Ireland from beet at the rate of a ton per acre. In 1835 a company was formed in Ireland for that purpose, but their operations were arrested by the Government passing an Act in 1837, the first year of Her Majesty's reign, imposing a duty of 24*l.* a ton on that description of produce. Looking at its advantages of soil and climate for the growth of barley, Ireland might, if permitted, compete with any country in the world in the production both of barley and beetroot. He agreed with the hon. Member for the North Riding of Yorkshire, that if the malt tax were removed, 10,000,000 quarters of barley might be grown and brought into consumption in this country beyond the quantity now consumed. The only argument he had heard adduced against the repeal of the malt tax was, that by cheapening beer drunkenness and vice would be promoted. Now, he thought the argument was, entirely the contrary, and that the dearness of malt occasioned adulteration of beer, which adulteration produced all the drunkenness that was complained of. The extent to which adulteration was carried was shown by the fact, that a very short time ago seven publicans in London were fined 200*l.* each by the Excise for that offence. He was not one of those who asked or expected that 5,000,000*l.* of money should be at once taken from the Exchequer. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] He should be satisfied if the right hon. Gentleman the Chaccellor of the Exchequer would say, "I admit you have a certain portion of justice on your side, and it is only proper and fair that we should endeavour to approximate towards the total repeal of the malt tax as fast as we can; and as I cannot do all I could wish for you at once, I will begin by reducting the tax 10 per cent this year, 20 per cent next, and so on, year by year, until it shall altogether cease." But the right hon. Gentleman would hold out no hope of anything of the kind. He trusted, however, that if the House would not do it of itself, public opinion would be brought to bear upon them in such a manner as would compel them to give the people that justice which they had a right to demand.

MR. PACKE, as one who had been personally alluded to by the hon. Member for East Surrey (Mr. Alcock), wished to say that he was as anxious as any hon. Member could be to relieve the great and overwhelming distress of the British farmer, but that he could not think the repeal of the malt tax would have that effect. He entirely coincided in opinion with the hon. Member for the North Riding of Yorkshire (Mr. Cayley), that the British farmer was overwhelmed by great and overpowering distress, and, as a practical farmer himself, and the representative of an agricultural district, he was anxious in every possible way to relieve that distress. The first question they had to deal with had reference to the revenue. He should be glad on every possible occasion to vote for the repeal of any tax which would compel the Government to resort to that policy which alone could afford any substantial relief to the farmer, namely, protection. He believed the repeal of the malt tax would be of material advantage to the consumer, and in so far as the farmer was a consumer, it would, no doubt, be an unquestionable benefit to him also; but for every 5*s.* put into the pocket of the farmer as a consumer, you would take 20*s.* out of it as a producer. The whole question of advantage hinged upon the effect the repeal of the tax would have on the importation of foreign malt. He thought, if the tax were once repealed, that, in the present temper of the House of Commons, and their desire to extend free trade, there could not be a doubt but malt would be admitted from abroad duty free. There could be no doubt that, if the malt tax were repealed, consumption would be greatly increased; but what benefit would that be to the farmer, if the market were inundated with foreign produce? The hon. Member for the North Riding of Yorkshire (Mr. Cayley) had failed to convince him that malt could not be imported from abroad. In the course of the great corn-law battle, the agriculturists were told there was not a chance of any importation of flour from France—they need not fear the foreigner; but as matters turned out, flour was imported in large quantities from France, and though there might be an increased consumption of malt, to the extent of 300 per cent, by the repeal of the malt tax, there was no reason to suppose that the foreigner would not malt to a considerable extent and import it into this country. But it was said that, if we had a large importation of barley, we should have less of wheat and flour. He could not see how giving the foreign growers a stimulant for the growth of barley would induce them to decrease the importation of wheat into this country. Mr. Sandars, a gentleman extensively engaged in the corn trade in England, stated before a Committee of that House, that the English agriculturist was seriously injured in 1836 by the importation of corn from Ireland. But how much greater must be the injury if all parts of the world were allowed to send their produce here without any restriction? He would not only go for the repeal of half the tax, but the whole of it, if he thought it would not lead to an inundation of malt from abroad. Let him have the same prohibition of foreign malt that now existed, and he would go to any extent in repealing the malt tax. He believed, however, that the least evil of the two was to retain the tax, in order to prevent foreign competition. He was a large grower of barley himself, and of course sympathised with other growers, and on that account he was desirous of maintaining the protection which they at present enjoyed.

MR. AGLIONBY was glad of the opportunity of admitting the energy, the ability, and the consistency, evidenced on all occasions by the hon. Member for the North Riding (Mr. Cayley) in regard to this question. But be believed that the best of questions might sometimes be brought forward out of season; and he considered that the present proposal was altogether untimely. He (Mr. Aglionby) had voted for as many years on this question as most Members of that House, and he had always voted for the repeal of the tax, invariably urging that it was an impost which ought not to be maintained one moment longer than the absolute necessities of the country required. But on this occasion, and under the peculiar circumstances, financial and other, in which the House and the Government were placed, he should feel it his duty to-night to give his vote against the Motion. They were not in a position to adjudge the question on its merits. The House, in the first place, had forced upon the Government the repeal of the window tax, and had consented to important modifications in the other great branches of revenue. Again, by a recent decision, of which, however, he was far from complaining, the House had limited the duration of the income tax to one year, furthermore referring the full consideration of all the subjects connected with that tax to a Select Committee. These were circumstances which Members on that (the Ministerial) side of the House could not or ought not to overlook; and, in his opinion, while the result of the deliberations of the Select Committee on the Income Tax was a matter of utter uncertainty, it would be nothing less than madness to rescind a tax of an amount so enormous as the malt tax. Indeed he did not see that with any propriety or discretion they could further tamper with the financial arrangements of the year; and what he had said of this proposal he would say of all other proposals of a similar nature. Abiding, therefore, by all the opinions which he had formerly expressed in regard to the malt tax, he felt himself compelled to record his vote against the hon. Member for the North Riding.

MR. FLOYER believed that other duties and other taxes required prior attention to those which Her Majesty's Government had dealt with. The appeal, therefore, of the hon. Member for Cockermouth (Mr. Aglionby) had no weight with him; and, as the House had rejected the proposition of the right hon. Member for Stamford (Mr. Herries), he would support the Motion for a repeal of the malt duty. He considered the maintenance of the malt tax at complete variance with the financial policy of Her Majesty's Government, which consisted in making every possible reduction in duties on articles of prime necessity. People differed as to what were articles of prime necessity. Many looked upon meat as an article of that description; but there were many Gentlemen who did not so regard it. He believed the hon. Member for Salford (Mr. Brotherton) belonged to a society, which, so far from considering meat as an article of prime necessity, excluded it from general consumption. There was the same difference of opinion as to oats—Gentlemen on the north side of the Tweed might think oats an article of prime necessity, but few Gentlemen of the south would concur with them. If barley was an article of prime necessity, how could the right hon. Chancellor of the Exchequer justify the levying of a duty on barley tenfold that which was repealed on the alteration of the corn laws? The principle by which he (Mr. Floyer) suggested they might distinguish articles of prime necessity was by confining the definition to all the various articles, the purchase of which formed part of the weekly expenditure of the labouring man. It mattered not to the labouring man whether taxes were raised on one or two articles, or upon the whole of those different articles which he consumed. If he consumed so much bread and so much beer—or would consume so much beer but for unfair taxation—it was no difference whether the taxation were 1*s.* on the beer, or part on beer and the other part on those articles which his weekly necessities obliged him to buy. He (Mr. Floyer) held that the Government were only deluding the poor man when they reduced the taxation on his bread, but at the same time continued to tax what he (Mr. Floyer) maintained was an article which was absolutely necessary for his moderate enjoyment. How many occupations were there in which, if a poor man could not command a certain supply of beer, his health would, by the want of it, be seriously and, perhaps, permanently impaired? In the irrigation and draining of land, and those occupations which brought the labourer in connexion with water and damp positions, it was necessary to guard his health, and promote his comfort, and protect him against injurious effects, by a wholesome and moderate enjoyment of a certain quantity of beer. In haymaking and harvesting, and other employments pursued often under a burning sun, what was so efficacious in slaking thirst as the good old English habitual beverage, which, besides recruiting the strength, was not followed by those injurious consequences which attended the use of other liquids? There were other points from which this question might be viewed. One, which might not weigh with many hon. Gentlemen, was worth some consideration — the question regarding beer as an article of manufacture. Under the existing regulations imposing the malt tax, it was impossible that, as an article of manufacture, beer could be produced so as to be exported from this country to any other country. It might be thought chimerical to suppose that any demand would ever arise for this article; but he did not look upon the supposition as at all extravagant. Hon. Gentlemen who had travelled, must be well aware of the very inferior quality offered abroad in the shape of beer. It was not that the foreigner did not like beer; in many countries there was a considerable sale of beer; but it was of such inferior quality that no Englishman would attach any value to it, or have any respect or regard for it. He thought, if the English article were brought into competition with those foreign articles, a demand would spring up; and if it did spring up, there would be a great increase in the demand for barley, which would give increased employment, and greatly benefit the agricultural classes, by which that article was produced. In the county which he had the honour to represent—and, he believed, in every county in England—it could not be denied that the capital of the agriculturists was undergoing serious, if not rapid, diminution. If that capital was diminished, how were the labourers to be employed? He had with shame heard it hinted in that House, as well as said publicly elsewhere, that capital would be easily supplied from other and different sources. But he believed that, if the soil of England was to be cultivated at all, it must be by those who were the children of the soil, who had been bred up in the pursuit, and whose fathers and forefathers had occupied the cottages and homesteads of the rural population of England. He did not for a moment undervalue the importance of having fresh capital introduced into agricultural employment. Far from it. He believed that amateur shopkeepers and retired manufacturers and merchants might, by entering the agricultural classes, confer benefit and impart advantages to those classes which they could not otherwise experience. But to look to such sources—to believe that from the capital of the tradesman, of the merchant, or of the manufacturer, they would derive sufficient profit and success to till the many fields and wide-spread acres of this country — and to act on that supposition, would lead to most fatal and destructive results. He need not go further into that point, as the pressure on the owners and occupiers of land had been admitted by the Government, and acknowledged in the Speech from the Throne; but unless the intimation to consider that pressure was acted upon in this and other measures, he was at a loss to conceive the object of that intimation. Much stress had been laid on the position of the labouring population, and to show their increased prosperity poor-law returns had been quoted. He was not disposed to deny that, on the face of those returns, there was a great appearance of pauperism being reduced. Those returns must not be taken as conclusive with respect to the state of the agricultural population, for they only affected that particular class of persons who have so far sunk in the social scale as to become applicants for relief. But there was a large and a more important class of labourers, whose spirit was too high to admit of their becoming suitors to the relief board, and who had, during the past winter, been suffering great privations. He did not deny that labourers who were in constant employment derived considerable advantage from the low price of provisions; but there was a very numerous class, both in the agricultural and the manufacturing districts, who during the past winter had not had anything like full work, and who had consequently been living upon short wages. The consequence of that scarcity of employment was, that the people went to spend their time in the beershops and other places of dissipation and amusement, which were the principal sources of crime in this country.

MR. SEYMOUR was desirous, being connected with the same part of the country as the hon. Member who had just spoken, of saying a few words relative to the condition of the labouring population. He understood the hon. Member to say, that he never knew a time when labourers were so much out of employment as during the last winter. Having frequently heard statements of that description, he determined to visit, during the recent holidays, a union on the borders of Dorsetshire—he alluded to the union of Mere—of which he was a visiting magistrate. Having asked the master what was the state of the workhouse, the answer he received was, "We have scarcely people enough to keep the house in order." In short, it appeared that the number of inmates had diminished from between 70 and 80 to about 40, and these were persons aged or incapable of working, and children. The only ablebodied man in the house was one who had brought in his wife and five children, because he could not get a house to live in in the parish in which he worked. This was the fault of the law of settlement. Thinking the man might be an idle fellow, he made some inquiry respecting him of his former master, who assured him that he was an excellent workman, and that he would employ him again if the owner of the parish—for it all belonged to one person—would find him a house to live in. He visited another union, also on the borders of Dorsetshire, but in the county of Somerset. In this union the number of paupers in the house had slightly increased, but the rates had been reduced in two years from 7,000*l.* to 5,400*l.* The master of the union informed him that there was not a single man of good character out of work. The union comprised 26 parishes, and there were only 20 ablebodied men in the workhouse, being not one for each parish. Four years ago 16 ablebodied men came to him, in the union to which he had first alluded, with cards in their hands, which had been given them by the guardians, notifying that they were good workmen. It was a common practice at that time for labourers to go round with these cards to farmers in their own and the adjoining parishes, and to endeavour to get work. Up to the very year before the free-trade measures passed, farmers were accustomed to turn off labourers in October, and take them on again at Easter. For his part, he could perceive no evidence of distress in his neighbourhood, and he could not understand how it happened that the labourers should always be worse off where a Protectionist resided than where a Free-trader lived.

MR. FLOYER explained, that what he said was, that a greater number of labourers were partially employed only last winter, than he had ever known to be so employed before.

CAPTAIN P. BENNET said, he had heard the right hon. Chancellor of the Exchequer speak of the improved condition of the agricultural labourer. Now, he held in his hand a document which showed that, whilst in the quarter ending March 25, 1850, the number of paupers in the various unions in the western division of the county of Suffolk was 1,135, of whom 109 were ablebodied men, on the 25th of March, 1851, the number of paupers was 1,564, and of ablebodied men 317. With respect to the Motion before the House, he thought that it ought to be adopted, in justice to the agricultural portion of the community. The labouring classes were unable to obtain that quantity of beer which was necessary for their health. He regretted to say, in his own part of the country, the wages of labour generally was reduced, necessarily reduced, for the agriculturist generally obtained so small a remuneration for his produce that he could not pay the labourers as he would wish to do. Wages had been reduced relatively more than the price of corn, and he regretted to say that the humbler classes in the county to which he belonged were in a worse condition than, to his knowledge, they had ever been in before, and many more ablebodied men would be in the union workhouses but for the present law of settlement.

MR. TRELAWNY regarded the present Motion as a dangerous appeal to the masses. ["Oh, oh!"] Yes, because the pretence of its supporters was to reduce the price of beer—a strange sort of opinion coming from the hon. Member for Dorsetshire (Mr. Floyer), who deprecated the idea of the working population resorting to places of amusement. It had been said that the measure would benefit the agriculturists. For his part, he did not understand by what mode of reasoning hon. Members arrived at that conclusion, because it was evident that the tax was ultimately paid by the consumer, as indeed the hon. Member for the North Riding (Mr. Cayley) had admitted in his see-saw speech, when it suited his purpose, although when he made use of another class of arguments he maintained that it was paid by the producer. He (Mr. Trelawny) thought it most unsafe to meddle with our system of taxation, for it was like a castle of cards; if you touched one part of it, you were apt to make the whole fall to the ground. He contended that those who advocated a repeal of the malt tax, or a repeal of the tea or tobacco duties, were bound to state what substitute they proposed, otherwise they would not satisfy him, who entertained a very strong opinion that they ought to apply a large sum annually to the reduction of the national debt, that they had made an adequate provision for that purpose. He wished to know if the Protectionists would accept the repeal of the malt tax as an ultimate settlement of the question of protection? He doubted if the hon. Member for Buckinghamshire (Mr. Disraeli) would commit himself to that bargain. An hon. Gentleman had expressed his surprise at the absence of Irish Members from this debate; but he thought it might be very easily understood, for if the malt tax were repealed, they could not get "another pull at the Exchequer." The House had been informed of the large emigration from Plymouth. He believed the emigration was not larger now than it had been for the last few years; and that it was so large at Plymouth. arose not from the district, but because Plymouth had become the great emigration port. He thought it was not to be deplored, but rather a subject of gratification, that the surplus population of these islands were betaking themselves to our colonies, where their labour would be most useful, and where, along with obtaining for themselves, in an ample degree, the necessaries of life, they would in time become useful customers of this country.

MR. WODEHOUSE voted for the repeal of the malt tax thirty years ago, and, if the circumstances of the country were the same now as they were then, he would be tempted to take the same course still; but such was not the fact. The main thing which governed him in voting against the proposition was, that the importation of malt was at present prohibited; whereas, if the tax were repealed, the inevitable result would be to induce an immediate importation of the finer qualities of barley for the purpose of making malt, and in this way the counties which produced the finer qualities of barley would be seriously affected. Two months ago, when his hon. Friend (Mr. Cayley) gave notice of this Motion, he (Mr. Wodehouse) gave notice of an Amendment proposing that the duty should be reduced to a moderate amount. But the question of duties seemed now to be entirely exploded. He believed that he was the only surviving Member of a Committee which sat upon this subject in 1821, upon which occasion Mr. Huskisson was much interested in it. His (Mr. Wodehouse's object was to have a general relaxation of the commercial policy, and to see whether a moderate system of duties might not be substituted. He thought that a better remedy for the distress of the agriculturists would be found in a duty of 3*s.* upon wheat, and 2*s.* upon inferior grains, which he conceived would satisfy every reasonable person. He begged to take that opportunity of adverting to the vote he gave a few nights ago on the Motion of the hon. Member for Montrose (Mr. Hume). He could not but feel that a Motion making the question of a property tax an annual vote, must, of necessity, bring the Executive Government of the country into a state of financial weakness; and he confessed that he was only justified in voting for it upon the ground that the Budget of the Chancellor of the Exchequer seemed to have been framed in complete oblivion of the circumstances of the country during the last few years. He begged also to state, that although he was perfectly aware of the difficulty of making any extensive modification in the income tax, he did not think that the difficulty was so enormous as that it could not be partially overcome.

MR. FREWEN supported the Motion; because in the first place he believed that the exorbitant amount of the malt tax operated as a very strong inducement to persons, particularly to country brewers, to drug their beer. One of the strongest proofs that a great quantity of the beer consumed in the country was not the product of pure malt and hops, was to be found in the fact, that there was not so much malt consumed now as was consumed in 1780, notwithstanding the increase of population. The quantity of malt upon which duty was paid in 1780 was 30,805,110 bushels, the average consumption per head being four bushels; whereas in 1845 the number of bushels upon which duty was paid was only 30,508,840, notwithstanding the increase of population—the average consumption per head being only one bushel and seven gallons. His second reason for supporting the Motion was, that it had been proved that malt might be advantageously used in fattening cattle. Another reason which operated with him was, that he knew that in various parts of the kingdom there was a great quantity of soil of inferior quality—in the north-east division of Sussex there were several thousand acres—which might be profitably employed in the growth of barley for malting purposes, and for fattening cattle. The right hon. Chancellor of the Exchequer ought to find another tax to substitute in its place, and if he would only turn his attention to the subject, he would find no great difficulty in doing so. Perhaps the safer way for the agriculturists of dealing with this tax was to repeal it gradually, so as to have it extinguished ultimately in about five years and a half.

MR. G. SANDARS: I am desirous of saying a few words before the close of this debate, in order to explain my reasons for the vote which it is my intention to give against the Motion of the hon. Gentleman the Member for the North Riding. The hon. Gentleman holds peculiar views upon this question, and though no doubt he may procure many hon. Gentlemen to vote with him for a repeal of the malt tax, yet few, if any, will agree with him in the arguments which he urges to effect this object. The hon. Gentleman has told us that one effect would be, to increase the consumption of malt threefold, say from 5,000,000 quarters to 15,000,000, and that this would prove a panacea to the growers of corn, for the total repeal of the corn laws. Now, Sir, if I were an agriculturist, and believed this, I should feel disposed to take the same course as the hon. Gentleman; but, as I entirely differ from him, and believe that the effects would be rather injurious than beneficial to the owners and occupiers of land, I cannot support the Motion. The hon. Gentleman has attempted to prove that the growers of barley and the makers of malt have no cause to fear foreign competition. He tells us that the import of foreign barley has been only one million of quarters per annum since the repeal of the corn laws, and that the supply is falling off. He informs us further, that the quality of foreign barley is generally so inferior to the English, as not to be fit for our maltsters; and with respect to their sending us malt in place of barley, the hon. Gentleman rather ridicules the idea, and asks, why should the foreigner send us malt? Now, I will tell the House why: because from November to April, the five best malting months of the year, the ports from whence we receive the best barley and the largest supplies, are closed by frost; and the result of admitting malt free of duty would be the sending us large quantities of foreign make, through the summer months, displacing so much English, to the injury of both the grower of barley and the maker of malt here. In fact, we may look for a repetition of the same consequences, under which the millers are now suffering, from the encouragement given to foreign shippers, and the large importations of flour from France and other parts. And let me inform the House of the serious effects of this large import of flour upon the interest of both the agriculturist and miller of this country, more particularly Ireland. I have recently received disastrous accounts from that country of the injurious effects of these large and unrestricted imports; the miller's trade there has been seriously injured, and the value of his property greatly diminished. And I tell the House the time is not far distant when this question must be brought before it, that some relief may be afforded to this important interest of our national industry. It is also argued that no great quantities of malt would be imported, as it is a perishable article. But the fact is, it is much less perishable than barley. Barley is frequently seriously injured by heating on the voyage; but malt will improve (if kept water tight) in the hold of a ship even for twelve months. It mellows and renders it more tender and kind for the brewer. The hon. Gentleman also talks of the monopoly of the maltster. Now, Sir, if he had said the brewer, there would have been some force and truth in his argument; as we have many instances of large fortunes having been made by brewers, but few, if any, by the maltsters. The hon. Gentleman further informs us, that the beer of the people is taxed some 500 per cent, and he arrives at this monstrous conclusion by informing us that five quarters of barley may be made into malt and brewed into beer at a cost of 10*l.*; whereas the retail price would be no less than 50*l.*, or 500 per cent. Why, Sir, the hon. Gentleman either knows or ought to know that good beer can be brewed now from malt at 2*d.* or 3*d.* per quart; yet still the poor man prefers to buy it at the retail price of 6*d.* to 8*d.* per quart. And now, Sir, let me ask what would the total repeal of the duty amount to? Why 7-8ths of a penny. But the hon. Gentleman says, repeal the malt duty, and barley will advance 6*s.* to 8*s.* per quarter. If so, then the advantage to the consumer would be but 14*s.* per quarter, or one halfpenny per quart on beer. Mark then, if the public will not now brew their own beer, to save 4*d.* per quart, is it probable they will do so for the additional saving of one halfpenny per quart? The hon. Gentleman speaks confidently of the greatly increased consumption to be expected from the repeal of the duty, and argues, that because tea and coffee have greatly increased in consumption, after a reduction of duty, the same would be the case with malt. But if the hon. Gentleman refers to the returns laid on the table of this House, he will find that for ten years previous to 1839, compared with ten years previous to 1849, that although the consumption of tea, coffee, and cocoa greatly increased, in the latter period that of malt, wine, and spirits actually decreased; proving clearly that the habits and tastes of the people had changed for the better, giving a preference to exhilirating rather than to intoxicating liquors, as the following table will show:

TEN YEARS ENDING 1839 AND 1849.

Malt	39,930,000......	bushels	38,935,000
Tea	35,136,000......	lbs.	50,024,400
Coffee	26,832,000......	,, ...	34,631,000
Cocoa	1,610,000......	,, ...	3,233,000
Spirits ...	29,216,000......	gallons	28,231,000
Wine......	7,238,000......	,, ...	6,487,000

The hon. Gentleman says if you repeal the malt tax the small farmer and the small consumer will not only brew his own beer, but make his own malt. I ask is he to steep it in his wash tub, to grow it in his blanket, dry it in his Dutch oven, and grind it in his coffee mill, if even he be so fortunate as to possess these articles? But the supposition is both improbable and impracticable. I shall next refer to the financial part of the question. The House has recently decided that the property and income tax shall be renewed but for one year, thus placing five millions of revenue in uncertainty. I ask, then, will the House repeal five millions additional taxation, and thus shake, if not paralyse, the credit of the country? I, Sir, will be no party to such a course of proceeding. The hon. Member for Derby has given notice of a Motion to repeal one half the duty. This is even more objectionable than the total repeal, as it leaves all the machinery and expenses of collection, and the maltster, subject to all vexatious restrictions and penalties, which in my mind are the strongest arguments in favour of the repeal of the duty, There are no less than thirty-two penalties to which the maltster is liable, and few less than 100*l.*; and in the year 1847 there were 292 prosecutions against parties for the infringement of these laws. And the hon. Gentleman knows full well, that as the law now stands, he cannot steep his barley in the cistern as long as he wishes, nor yet lay it on the couch or on the floors the thickness he deems best; nor give it water as early or as much as he might desire. Taking all these questions into consideration, and bearing in mind that if even the consumption of malt were increased some two millions of quarters, the foreigner would be able to supply us with this additional quantity either in the shape of barley or malt—bearing in mind also that if the malt tax is repealed, some other substitute must be found which would in all probability press much more severely on the agricultural interest—I say, Sir, it is a suicidal policy on their part to vote for the repeal of this tax; and I agree with Adam Smith when he said five or six millions sterling might be had from malt more easily and so as to be less burthensome to the country than in any other way.

MR. H. DRUMMOND was anxious to say a few words on behalf of a class not represented in that House, and whose interests he had much at heart; but he must say he was somewhat astonished at the speech of the hon. Gentleman who had just sat down, and at the extraordinary opinion he had expressed, that malt would be improved by stowing it in the hot hold of a vessel. Why should hon. Gentlemen opposite make such a clamour about, bread and not stir one step in favour of beer? See how the consumption of spirits had increased. The returns showed that the consumption of spirits was in England one gallon per head, in Ireland one gallon and a half, and in Scotland two gallons per head of the population. This increased consumption of spirits was greatly owing to the heavy tax upon malt. The hon. Member for Wakefield (Mr. G. Sandars) had asked the House where they would find a tax that pressed so lightly upon the country? Let the hon. Member give him a definition of "the country." "The country" that paid this tax was almost exclusively the agricultural labourer. ["Oh, oh!"] Why, how much beer was drunk by hon. Gentlemen opposite? How much did they spend in beer, and how much in wine? Was it not extraordinary that since the end of the war the consumption of malt had not increased one bushel, while the population had almost doubled? But the question put by the right hon. Chancellor of the Exchequer was, where he should get the money if the malt tax were repealed. His answer was, anywhere, except from beer. Let him lay on a house tax, an income tax, a property tax, any tax, in short, that he pleased, only let him take this tax off the labourer.

The CHANCELLOR OF THE EXCHEQUER thought, that as very little that was new had been said in the debate, and as the hon. Member for the North Riding (Mr. Cayley) admitted that he had done little but repeat the arguments he had used last year, he should best consult the feelings of the House by replying as shortly as he could to the Motion. At one time the hon. Member had treated the malt tax as one paid entirely by the consumer; at another as if it were entirely paid by the producer. But he was surprised to hear him speak of the inquisitorial and objectionable nature of this tax, because the best authorities upon this subject had represented that if a large amount of revenue were to be raised, there was hardly any one tax which was collected so cheaply, and the inconvenience of which was so small. The revenue derived from the tax was 5,391,000*l.*, and the Commissioners of Excise Inquiry said of it in their Fifth Report—

> "While so large an amount of revenue must be raised as that which is now required, we do not conceive that it can be shown that any actual tax is less objectionable than the malt tax; and we believe the paying of it is less felt, and really less injurious than the paying of any other tax. Besides, no other tax is collected at so small an expense in proportion to the revenue derived from it."

Four or five years ago the Select Committee appointed by the House of Lords to consider the Burdens upon Land, examined Mr. Barclay, an eminent brewer, upon the operation of the malt tax. Mr. Barclay was asked—

> "Would the manufacture of malt—that is, the converting of barley into malt—be improved, or rendered cheaper, by a repeal of the duty, except as it respects the amount of the duty?"

His answer was—

> "I think it would not be improved at all. I think there is no Excise regulation that interferes at all with the making of good malt; but the west country maltsters think differently."

Another witness, not a brewer, but a maltster, and one of the largest in England, Mr. Joseph Taylor, of Bishops Stortford, was asked—

> "Would you have greater facility in carrying on your business, supposing the duty to be repealed, and that therefore you were not liable to the domiciliary visits of the Excise—would you carry on the business in a more satisfactory manner?"

His answer was—

> "I do not think we should. We have had almost all the restrictions removed some years

ago, and the higher classes of manufacturers have been from that time quite satisfied."

Now, if a large amount of revenue was produced by this tax; if it was collected more cheaply than any other tax; and if the interference of the Excise officer was such as described by Mr. Barclay and Mr. Taylor—he thought a strong case was made out against its repeal. He considered the amount to be paid entirely by the consumer, and he contended that it was impossible to obtain 5,000,000*l.* in a manner less objectionable to the consumer. It was said the consumption of malt had not increased in the same proportion as many other articles, and in proportion to the increase of the population. That was quite true; but the consumption of tea, coffee, cocoa, and other articles, which might be considered as competing to some extent with beer, had increased to a much greater extent. But that increased consumption was not so much the effect of the duty upon malt, as of a change in the habits of the people. The Members of that House, for example, all drank less beer than their forefathers, and so did the middle and labouring classes. Any one acquainted with village life knew that tea and coffee had, to a considerable degree, taken the place of malt liquor. If hon. Gentlemen would inquire what proportion the duty upon malt bore to the price of the article, and then compare it with that of other articles, they would find that the percentage of duty upon tea and coffee was much greater than upon beer. If the duty upon beer were taken, at the outside, at 100 per cent, the duty upon ordinary tea was 200 per cent; so that if the House were to reduce the duty chargeable upon the beverages of the people, they ought to begin with tea, which was chargeable with double the duty paid by malt. The truth was, the consumption of intoxicating liquors was rather diminishing, and that of liquors which are not intoxicating was increasing; and this, in his opinion, was a very desirable thing. It was natural the hon. Member (Mr. Cayley) should anticipate an enormous reduction in the price of beer if the duty upon malt were repealed. But it was not many years ago that a great reduction was made in the malt duty, and in the duty on beer; and the reduction then made was far greater in amount than that which was sought by the total repeal of the duty now remaining. But these reductions had produced little effect either in increasing the consumption of malt, or in diminishing the price of beer. A gentleman of great celebrity, in Essex, when he was examined before the Committee, said that a reduction of the malt tax would cause a corresponding reduction in the price of beer, to the extent of 100 per cent. That was to say, that the price of beer would be reduced to nothing; but his hon. Friend (Mr. Cayley) went further, for he asserted that the abolition of the malt tax would take 500 per cent off the price of beer. The price would then, according to his hon. Friend's calculation, be five times less than nothing. He did not know what his hon. Friend the Member for Derby (Mr. Bass) would say to such a result as this, however the consumers might rejoice in it. Such assertions were evidently absurd; but they were a sample of the kind of arguments by which a measure of this kind was supported. Before the reduction of the duty on malt, and of that on beer, which took place some years ago, the duty upon strong beer amounted to 70*s.*, and that on ordinary beer to upwards of 50*s.* per barrel. The whole amount of duty now levied, was, in round numbers, 21*s.* Now, Mr. Baker stated in his evidence, in reference to the effect of the reduction of the duty on malt, that the price of barley did not rise, nor had the price of beer fallen in consequence of that reduction; and therefore it appeared that a former reduction of 50*s.* on one kind of beer, and of 30*s.* on another kind, had produced no benefit either to the producer of barley or to the consumer of beer. Was it likely that any such great effect as was anticipated by the advocates of a repeal of the malt duty, could follow from a reduction of only 21*s.*? But, taking the more reasonable view of some of the supporters of the measure, the loss to the revenue would be great; the gain to the consumer small. Was it worth their while, therefore, to sacrifice 5,000,000*l.* of revenue, easily collected, for the sake of a reduction in the price of beer, which could not, at the outside, amount to more than a halfpenny in a quart? and this was the utmost probable reduction in the price of beer from a repeal of the malt duty. It should also be remembered that this tax served in some measure as a protection to the British barley grower, for foreign malt was prohibited. One argument of his hon. Friend (Mr. Cayley) had been, that the prohibition against the importation of malt was solely for the sake of the Chancellor of the Exchequer; but so far as the revenue merely was concerned, he (the Chancellor of the Exchequer) did not care whether the 5,000,000*l.* of revenue was derived from a duty on foreign malt, or from an excise duty on home-grown malt. Then it was said that the malt tax acted as a great discouragement to those who brewed their own beer. Now he did not think that the making of beer by the peasantry was affected at all by the malt tax. In the south of England the people were in the habit of getting all their beer from the brewers; while in his own part of the country it was the custom almost universally for the people to brew their own beer. Some years ago, home-brewed beer was exempted from the duty to which beer exposed for sale was subjected. This gave a great advantage to brewing at home; but even then he believed that the exemption in favour of the home-brewed beer did not operate so as to promote the practice, to any great extent, amongst the labourers in the south of England. It was also stated that the repeal of the malt duty would give an encouragement to the agricultural labourer to make his own malt; but every one must see that the facilities which extensive premises gave for making malt would render it impossible for the labourer to make his own malt with advantage. Then they were told that the labourer who brewed his beer at home never got drunk, but that others did. There was a good deal in that, if it were true. But the labourer could buy his beer at the public-house and take it home at a less cost than he could drink it at the public-house. He was inclined to think that the abolition of the malt tax would have a tendency to promote illicit distillation, and that its existence served as a check upon the illicit manufacture of spirits. Believing, therefore, that the malt tax tended in some degree to protect the morality of the country, he was on this account, as well as on others, inclined to continue it. His hon. Friend (Mr. Cayley) had suggested to him that the best way of getting rid of the importunity of the hop growers for the reduction of the duty on hops would be to abolish the malt tax; but the hop duty produced 400,000*l.*, while the malt tax amounted to 5,000,000*l.*; and he (the Chancellor of the Exchequer) thought that an easier and less expensive mode of ridding himself of the demands of the hop growers would be to take away the tax on hops of 400,000*l.* rather than abolish the tax on malt of 5,000,000*l.* Now, he would put it to the House how they were to make up the deficit of 5,000,000*l.*, which the removal of this duty would entail? His hon. Friend the Member for the North Riding stated last year that he did not know what support he would have, as the Government was against him; and the noble Lord who had recently attempted the formation of a Government on different principles from his own, had declared that he did not know where to find a good substitute for this tax. Was the country now in a better condition to spare 5,000,000*l.* than it was two months ago? The House had decided, unfortunately, he thought, that the income tax was to be renewed only for a single year, and had placed not only the present Government, but any Government which might be in power, in a situation of difficulty on financial matters. The hon. Gentlemen on the other side of the House said that their great principle was the getting rid of the income tax. It was quite right for all great parties to have great financial principles; but if they meant to get rid of that 5,000,000*l.* of income tax; did they further their object by giving up the 5,000,000*l.* of the malt tax? If they repealed the malt tax, where was the probability of their getting rid of the income tax? He had never found fault with hon. Gentlemen entertaining different opinions from himself on the subject of taxation; but surely both taxes could not be got rid of at once, and the repeal of the one made the repeal of the other impossible. Even the hon. Member for Montrose (Mr. Hume) would hardly venture to say it was not so. This was the plain consideration of the question; and the same observations would apply to some other Motions which stood upon the paper. On that, the Ministerial side of the House, they were disposed to reduce the more oppressive and objectionable taxes on articles of consumption. Hon. Members on the other side of the House wished to reduce the income tax: that was the great difference between them; and to attain either of those objects, those taxes must be retained that did not come under the most objectionable classes; because, to whatever extent a reduction was made in taxes of this description, so much did they deprive themselves of the power of carrying out those principles, and getting rid of those taxes, which on either side of the House a desire had been expressed to repeal. He considered that it would be difficult to raise 5,000,000*l.* of revenue in a manner which would be less felt by the community generally. Believing as he did that the malt tax was a tax equally distributed throughout the country—that it was cheaply and easily collected—and one the burden of which fell principally on the consumer—he felt himself bound to give his decided opposition to the measure.

MR. DISRAELI: Sir, I will express in a very few words the reasons for the vote I intend to give. If I viewed this case merely as one of revenue, it might be very easily disposed of. I admit the force of the circumstances to which the right hon. Gentleman the Chancellor of the Exchequer has alluded in the latter part of his speech—I admit that, after the decision to which the House came on Friday night on the income tax, this question occupies a very different position from that which it filled during the last Session—and I am willing to admit that any Gentleman who voted for the repeal of the malt tax last Session, after the vote of the other night on the income tax, is perfectly free to take a different course on this occasion. But I cannot look upon this question as a mere question of finance, nor merely upon the still higher consideration of the interest of the labourer. His interest has been placed most pertinently before the House by the hon. Member for West Surrey (Mr. Drummond). We must all sympathise with the views which my hon. Friend expressed with so much force; and I am rather surprised at some of the expressions which have just been used with reference to this point by the right hon. Gentleman the Chancellor of the Exchequer. He says, what is the difference of a halfpenny in a pot of beer? But when we hear of a halfpenny in a quartern loaf, we are told there will be a revolution. I must look at this question in the same light, and influenced by the same feelings, as those which actuated me in a vote which I gave last year. I look upon this tax with reference to its influence upon the most suffering class of the community. Their position has been placed under the consideration of this House under circumstances which demand our most attentive consideration—the sufferings of the occupiers of land are universally and authoritatively acknowledged. It is difficult to estimate the degree of those sufferings—it is difficult to calculate or to ascertain the amount of loss that is experienced by the farmers of the United Kingdom. Night after night we have had various estimates offered to us of the amount of those losses, and without an exception those estimates have been offered to us by hon. Gentlemen opposite, because every boast they indulge in of the amount of gain which has accrued to what they call the community, by the changes in the laws regulating the importation of foreign produce, is an estimate of the loss that has accrued to the British cultivator. But we have had an estimate, which I may almost call an official estimate. Last Session, an hon. Member of this House, who never indulges in loose phraseology, precise in his calculations, and perfectly master of this interesting subject (Mr. C. Villiers), moved the Address, and told us, with the assenting cheers of the Treasury benches, that the gain of what he called the community, was, in fact, a transference of capital from the agriculturists of this country, of not less than 90,000,000*l.* We hear much of the question of the laws that regulate the importation of agricultural produce being a landlord's question—a question of rent—but inasmuch as the whole rent of the United Kingdom is only 60,000,000*l.*, the farmers must have lost at least 30,000,000*l.* if no rent had been exacted; but inasmuch as we know the reduction of rent can hardly exceed 20 per cent, which would be 12,000,000*l.* on the general rental of the United Kingdom, there still would be, according to that estimate, which was the foundation of the Address we offered to the Throne, a loss to the farmers of nearly 70,000,000*l.* What is the situation of this class, who, according to your own data, your own estimates, are experiencing a diminution of their capital that has never yet been equalled in the experience of any class in this country? and what is the remedy suggested by the Ministers of the country to this class? It is to give up the cultivation of wheat. But at the same time you are maintaining laws that raise two-thirds of one branch of your revenue from another crop of the British farmer, that crop being the one which, in consequence of the change in your laws, he would naturally have recourse to, to obtain some compensation for the change in your legislation. How do you meet this question? You can only meet it by using arguments founded on principles of political economy that totally contradict the principles which on all other occasions you profess, by proving that restriction is a benefit, by demonstrating that high duties do not affect consumption. I am willing to admit that it would be a rash hand that would alter too rudely the financial system of this country; and I have never concealed my own wish that this tax should be maintained. I have never concealed my own wish that the whole system of our local taxation should, if possible, be continued; but this I say: it is impossible that you can maintain your malt tax—that you can continue to raise from a single class a large revenue, separate from the general revenue you otherwise raise; it is impossible you can continue to do all this if you do not do that for the agriculturist which Mr. Ricardo sanctioned, which Mr. M'Culloch recommended, which the first lights of political economy have on every occasion sanctioned, both in their speeches and their writings—if you do not put the cultivators of the soil on an equality with the other classes of the community. I heard it said the other night—and it proceeded from the lips of an hon. Member from whom I hardly expected to hear such a statement—that he recognised no difference between a protective duty and a countervailing duty. I, on the part of my constituents, entirely protest against such a position. The question of protection has nothing to do with an adjustment of taxation that will place the cultivator of the soil on the same level as the other classes of the community. If you choose to adopt a system of protection, of the benefits and disadvantages of which the cultivator of the soil will no doubt have his share, he has nothing to do with that. But if you choose to establish a system of taxation under which you raise from one class a large amount to which the others do not contribute, you must, by some fiscal arrangement, place those extra contributing classes on the same level of taxation, to use the words of Mr. Ricardo, as the other classes. The limits of a countervailing duty have been ascertained and fixed by the very men who first advocated what you call free trade—who first advocated that system of free importation of foreign produce which you now think to be so great a discovery. These were the persons who recommended, as a remedy for the extra taxation of the agricultural classes, countervailing duties; and now I am told that a countervailing duty and a protective duty are identical. But observe the position to which, by the exercise of injustice, that can never be successful in the long run, you have driven us. The agricultural class does not come forward and ask for countervailing duties; they will not ask for legislative privileges; they will not incur the falsely excited odium that you have created against them, that they want to place a tax on the bread of the people; but they ask this: place us on a level of taxation with the rest of the community. Inasmuch as by this malt tax, according to the highest authorities, you have imposed on us a burden which the other classes do not share, inasmuch as by your system of local taxation you raise from the soil a large revenue for the purposes of the country, to which the community do not contribute, we ask you, in the new situation of affairs, to relieve us from these burdens; but if you choose, if you think it better, that these burdens should remain—if it is your opinion that it is for the advantage of the community that this extra taxation of a class should continue to subsist—if you think that, besides these financial advantages, the blessings of self-government are confirmed, and that millions are raised from the land which can be raised from no other source, and which as the right hon. Gentleman the Chancellor of the Exchequer says cannot be lightly lost;—it is for you to come forward and state the terms on which you wish to retain these advantages. It shall not be imputed to us that we asked a countervailing duty on account of these advantages. No. We ask you, according to the dictates of political justice, to rid us of these grievances which you have brought upon us. It is with these views that I give my vote to the hon. Gentleman the Member for the North Riding (Mr. Cayley), who, on this and other occasions has, with a knowledge of details, and a perseverance which all must admire, brought the subject before the House. I think it is impolitic that we should terminate a mode of levying a large branch of the revenue, such as the malt tax. I think it most inexpedient that we should do away with the method of local taxation for a newfangled system of what are called national rates; but I cannot shut my eyes to the inevitable consequences of the fatal policy which you are pursuing. I cannot shut my eyes to the fatal consequences of a system which is exacting a larger amount of taxation from the land of the United Kingdom, from those classes to whom great injury and loss has been caused in consequence of your legislation, than from any other portion of the community. I know that every day and every hour this conviction must be more and more pressed upon that great body of the community materially interested in the cultivation of the soil, and that Session after Session you will be more powerfully and more sternly called upon to adjust this taxation on the principles of political justice. Under these circumstances, I give my vote to-night for the Motion of the hon. Gentleman—I give it as a protest against the course you are pursuing. It is unjust in the first instance, injurious in the second; but if the Government of this country would come forward and meet this question with frankness—if they would tell us, what every Gentleman in this House feels, that it is of great advantage to the country that this extra taxation should be exacted from the land, and that the country did not shrink from a measure of equitable adjustment, to place the cultivators on the same level of equality with the rest of the community, then I should be glad to support the measure which the right hon. Chancellor of the Exchequer has said is so expedient, and I could, with some pretence of fairness, with some regard for the principles of political justice, refuse that appeal, which was practically made by the hon. Member for the North Riding (Mr. Cayley), and express my concurrence with any measure which would place the land of England on the same level of taxation as the other classes of the community.

MR. FULLER said, that he took up this question as affecting the labouring population; and he looked on it as the most injurious, most obnoxious, and one of the most tyrannical taxes that had been ever levied on the country. It pressed heavily on the labourers, for if bread was their staple food, beer was their staple drink. A labourer, aged 91, who was examined before the Poor Law Commission some years ago, on being asked by Mr. Harvey—

> "Do you remember the condition of the labourer during your life?" replied, "Yes; when I married I could have a bushel of malt for 2*s*. 6*d*., and every person had a barrel of beer to drink instead of water." Mr. Hodges, M.P. for Kent, asked him, "Did the labouring man in former times use to brew as a general thing?"—"Yes." "How long have they left it off?"—"Ever since malt got to such a price that they could not buy it." Do you know any poor man who brews his own beer?"—"Not one." "Do you remember the rate of wages when malt was 2*s*. 6*d*. a bushel?"—"Yes, 1*s*. 4*d*. per day, or 8*s*. a week."

The witness was then asked if the labourers would do more work if they had better beer and living? The answer was, "To be sure; they cannot do more than half a day's work now. Some of them dropped down when they had a little hard work." He trusted that this year they would have the vote of the hon. Member for the West Riding (Mr. Cobden), whom he begged to remind of a speech of his at Manchester a year or two ago, upon which occasion he said—

> "We sympathise with the farmers; we will never tolerate one shilling for protection by way of corn, but we will co-operate with them in getting rid of that obnoxious tax, the malt tax. We owe the farmers something, and we will try to repay them in kind."

He hoped also that they should have the support of the late Sir Robert Peel's friends, and all of the Welsh Members, who were fond of good ale.

MR. HUME said, that an appeal having been made to the free-traders by the hon. Member for West Surrey (Mr. Drummond), he was anxious to answer that appeal, as well as to notice some of the extraordinary statements made by the right hon. Gentleman the Chancellor of the Exchequer. He intended to vote for the entire repeal of the malt tax. He was against any partial repeal, and he could refer hon. Members to a proposal he had made on the subject twenty-nine years ago. On the 4th of May, 1826, he had moved a Resolution, that the tax on malt, having had the most ruinous effects upon the people, should be repealed. Only as much malt was consumed in 1825 as in 1785, notwithstanding the great increase in the population; and the tables before the House would prove how totally inconsistent with the fact was the statement of the Chancellor of the Exchequer, that the repeal of the tax would have no effect on the consumption. In 1785 the tax was only 6¼*d*. per bushel. In 1804 the tax was raised from 2*s*. 2*d*. to 4*s*. 4*d*., and, notwithstanding the increase of population, and the enormous expenditure of the country by an expensive war, the consumption of malt fell, on the average of the next few years, from 25,500,000 bushels, to 23,000,000 bushels. He thought this was a question of great importance to other classes besides the agriculturists, who, although they would benefit from the repeal of the tax, would not derive all the advantages from it supposed by some hon. Members. The hon. Member for the North Riding (Mr. Cayley) said that barley was taxed by this means to the extent of 5*l.* 10*s.* per acre, and that observation was well worthy of consideration. The hon. Member for Wakefield (Mr. G. Sandars) appeared to him to have made out a strong case against the existence of the tax. The increase of the tax on malt had changed the whole character of the people, for spirits had taken the place of malt liquor, and produced the state of demoralisation and crime they now witnessed. 24,000,000 gallons of ardent spirits were now consumed by the middling and the poorer classes; and it was the duty of this House to consider whether it could not interfere by fiscal arrangements, and make some alterations. Let this tax be repealed. From whatever source the revenue was obtained, let it not be taken from the beverage of the working man and the middle classes. The evil was not confined to the agricultural labourer. The whole population were interested. Why should cheap meat and bread be given to them, and not cheap beverage? The great principle of free trade was to cheapen all the articles that were of the first necessity to men, and he hoped that principle would be carried out on the present occasion. He had always been an advocate for a repeal of the malt tax. He had always held that it would be an advantage to the agricultural classes, and that the farmer, if he were allowed to make his own malt, would not only be advantaged in the feeding of his cattle, but enabled to pursue a system of cultivation which would increase the employment of labourers. The right hon. Chancellor of the Exchequer had asked where he was to obtain the 5,500,000*l.* which the abolition of this tax would require, and he (Mr. Hume) would answer that question. For twenty years the expenditure of the country had been 5,500,000*l.* more than was necessary. The Army, Navy, and Ordnance had, during the last ten years, just cost 5,500,000*l.* more than it did during the Administration of the Duke of Wellington, and his was not an Administration which was open to the charge of leaving the country defenceless. Instead of looking for new taxes, then, he would retrench, and go back to those establishments which so admirable a judge as the Duke of Wellington had considered sufficient. He would, therefore, say in the first place, that the expenditure might be reduced, especially as they were told by the Government that the troops were in great part to be withdrawn from the colonies. Then he believed that if the income tax were equitably arranged, it would, even at the present rate, yield a greatly increased revenue: then under better management an additional revenue of 500,000*l.* might be obtained from the Crown lands. He would state another tax which, if he had the power, he would put on. Up to the present time, since the first imposition of those taxes, personal property had paid 78,000,000*l.*, while not one shilling had been paid by landed property for probate and legacy duty. Reckoning the property of this country at 3,600,000,000*l.*, and that that property changed hands by descent once in thirty years, he would obtain at once a tax which would cover the sum lost by the abolition of the malt tax. He admitted that some objections might be raised to this tax; but there was no controverting the fact that the country now paid 56,000,000*l.*, where it formerly only paid 51,000,000*l.* That 5,000,000*l.* might easily be reduced, if the other side of the House would permit it. Having heard no answer given to the speech of the hon. Member for the North Riding (Mr. Cayley), and with the understanding that the reduction would be made gradually, he should support the Motion.

Mr. BASS said, that notwithstanding all he had heard, he saw no reason for changing the opinions which he had expressed upon this subject last year. It was very easy to make a long speech upon any question; but he thought it would be extremely difficult to say anything very new or much worth hearing upon this matter. He should content himself, therefore, with shortly stating his decided disagreement from the supposition that the repeal of this tax would have the effect of bringing in a large quantity of foreign malt. He could not conceive that any quanity of foreign malt worth naming would be imported—he could find no motive for it. Almost all the principal brewers were their own maltsters; and, seeing how unwilling they were to trust even to the most skilled English maltsters, he did not believe that they would go abroad to employ foreign maltsters. It was difficult to make good malt even in this country in severe weather; and it would, therefore, seem to be impossible that in the countries on the Baltic, where frosts of much greater severity prevailed, such malt could be made as would be used in this country. Reference had been made to the great importation of foreign barley; but in general seasons the English brewers preferred English barley to any other, and it was only in consequence of bad harvests that they had resorted to the foreign market for certain barleys which were of a finer colour than the English. He had had himself, during the last year, to import 20,000 quarters of foreign barley, and, instead of its having heated, he assured the House that, so far as he knew, not one single grain had remained unmalted. The importations of foreign barley, however, were gradually declining. There had been a very large importation in 1849. In 1850 it was much smaller; and it promised to be less still in the present year. The hon. Member for Wakefield (Mr. G. Sandars) had pointed out the supposed vexations which they would still have to endure if the duty were reduced one-half, in accordance with the proposition which he (Mr. Bass) had given notice of. Now, he must in candour admit to the House that he was not at the present time aware of any restrictions in the making of malt which materially interfered with its being made in the best possible manner; and if he were asked to describe what change would make it more agreeable, he really should not know what to say. He found that owing to an informality he could not bring forward, that evening, the Motion of which he had given notice, for repealing one-half the tax on malt; but he would do so on a future occasion, should the Motion now before the House be rejected.

Mr. BROTHERTON rose to protest against the statements that the repeal of this tax would be a benefit to the poor man. It was said that a tax on beer was the same as a tax on bread. But bread was a necessary of life, while beer was not. Twopence worth of bread was better than a shilling's worth of ale. The hon. Member for Montrose (Mr. Hume) said, the repeal of this tax would have the effect of weaning the poor man from intoxicating drinks; but it was only a few nights ago that his hon. Friend voted for a repeal of the duty on spirits. If they went on to encourage the use of these liquors by removing the duty, it would be followed by an increase of poverty and intemperance.

Mr. HENLEY did not see how the hon. Member who had just sat down reconciled his opinions with his support of the repeal of the sugar and coffee duties, which were quite as much self-imposed taxes, as that upon malt. When the hon. Member for Montrose (Mr. Hume) talked of the injustice of exempting real property from the legacy and probate duties paid by personal property, he should have recollected that the former description of property was subject to the land tax and to heavy stamp duties, which he believed were imposed to counteract the legacy and probate duties. A large portion, too, of the amount said to be paid to these taxes by personal property, was, moreover, paid by leasehold estates. He believed that the legacy and probate duties had not been imposed upon real property merely because it was known that they could never have been rendered productive, inasmuch as only life interests were held in a large portion of the landed property of the kingdom, and it passed under settlements, and not under wills. He believed that more was raised from the land by the land tax and stamp duties, than legacy and probate duties would have yielded.

The Marquess of GRANBY only wished to make one observation with respect to the surprise expressed by the hon. Member for Montrose (Mr. Hume) that no reduction had been made in the taxation of the country, so far as regarded the Army, the Navy, and the Ordnance departments. Now, he begged to refer the hon. Member for Montrose to the noble Lord at the head of the Government, who had stated the other night that in consequence of the repeal of the corn laws we were depending now for the supply of the food of the people of this country upon foreigners to no less an extent than that of 10,000,000 quarters of corn. He could tell the hon. Member for Montrose that that was one of the many reasons why we were not able to reduce the expenditure of the country. With regard to the question then before the House, he was content to rest his vote on the grounds stated by his hon. Friend the Member for Buckinghamshire (Mr. Disraeli).

Lord JOHN RUSSELL said, that the hon. Member for Montrose (Mr. Hume) had referred to his having brought forward a Motion upon this subject in 1826, and had stated that, in consequence of this tax not having been reduced, the consumption of malt had not increased, as it would have done in that case. The hon. Member would, however, recollect that, not many years after he brought forward his Motion in 1826, it became a question whether the malt tax should be reduced, or the duty should be taken off beer; and the then Chancellor of the Exchequer, the right hon. Member for the University of Cambridge (Mr. Goulburn), preferred to repeal the tax upon beer, and nearly 3,000,000*l.* of taxation were then taken off. Now the tax on beer had existed more than a century, and he (Lord John Russell) did not believe that, taking the taxes upon malt and beer together, this country was now more taxed for malt than it was seventy years ago for malt and beer. The hon. Member for Montrose suggested, among other things, the imposition of legacy and probate duties upon landed property; but the hon. Member for Oxfordshire (Mr. Henley), on the other hand, showed that landed property already paid equivalent duties. As the House was not at all ready to vote for the substitutes proposed, the real result of the Motion, if carried, would be, that there would be a diminution of 5,000,000*l.* in the revenue. How were they to supply the place of that large amount of revenue? The hon. Gentleman the Member for Montrose said at once, without referring to particulars, that he would take 5,000,000 off the Army, Navy, and Ordnance Estimates, and gave as his reason that the present Government had increased the Army, Navy, and Ordnance Estimates by 5,000,000*l.* He (Lord John Russell) denied that: he believed the amount voted for the present year was not so great, certainly not greater than the amount in 1845. There had been an increase in the Ordnance, but, taking them altogether, there was no increase over the estimates of 1845. But then again the House would not be prepared to make that great diminution which the hon. Member for Montrose proposed; and that source failing, he (Lord John Russell) came again to the assertion which he thought was undeniable, and the main reason for voting against the Motion, namely, that if they agreed to it they would leave their finances in a ruinous condition, and leave no source from which they could supply the deficiency in the revenue.

Mr. CAYLEY said, in reply, that he should scarcely have felt it necessary to have said a word more on the subject of this Motion, were it not for an observation that had just fallen from his noble Friend at the head of the Government. His quarrel with his noble Friend was, that since the repeal of the corn laws he had thrown away five millions of taxes; and if the House did not pass this Motion on the present occasion, the same course would still be pursued, and supply the same arguments as heretofore against the repeal of the malt duty hereafter. The fact was, that the demand he made was a just demand—no one attempted to deny that—and, in short, it could not be denied. The only argument against his proposition was, that it was not convenient—an argument that ought not to prevail against the claims of truth and justice. If duty only called upon us to be just and honest and true, when it was convenient to be so, what an easy race would virtue have to run! That was not his (Mr. Cayley's) interpretation of the demands of public justice, on which point the noble Lord seemed to be so sensitive. But it was—that whenever and wherever honour, and justice, and truth made their appeal, we had no alternative—at whatever risk or sacrifice—but to obey the summons. At this late hour he would attempt no reply. Indeed, the Member for Montrose (Mr. Hume) had already stated that the Chancellor of the Exchequer had given no reply to his (Mr. Cayley's) opening speech. All he would say, as the hon. Member for Buckinghamshire had just stated, and as had often been stated before, Parliament had transferred between 50,000,000*l.* and 90,000,000*l.* from the pockets of the farmers of England to some other pockets; that those that had profited by that unjust transfer were better able to bear the effect of his proposal, than those who now bore this tax were able to endure its burden. In the name of justice, then (concluded the hon. Member), I demand the repeal of the tax upon malt.

The House divided:—Ayes 122; Noes 258: Majority 136.

List of the AYES.

Adderley, C. B.
Alcock, T.
Bagge, W.
Bagot, hon. W.
Barron, Sir H. W.
Barrow, W. H.
Bass, M. T.
Bennet, P.
Beresford, W.
Best, J.
Blackstone, W. S.
Blake, M. J.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Broadley, H.
Brooke, Lord
Buck, L. W.
Burghley, Lord
Burroughes, H. N.
Cabbell, B. B.
Child, S.
Cholmeley, Sir M.
Christopher, R. A.
Cobbold, J. C.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Cotton, hon. W. H. S.
Crawford, W. S.
Curteis, H. M.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drummond, H.

Duncombe, hon. A.
Dunne, Col.
Du Pre, C. G.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gooch, E. S.
Granby, Marq. of
Greene, J.
Guernsey, Lord
Halford, Sir H.
Harris, hon. Capt.
Heneage, E.
Henley, J. W.
Higgins, G. G. O.
Hildyard, T. B. T.
Hill, Lord E.
Hornby, J.
Jolliffe, Sir W. G. H.
Keating, R.
Keogh, W.
Knightley, Sir C.
Knox, hon. W. S.
Lawless, hon. C.
Lennox, Lord A. G.
Lewisham, Visct.
Long, W.
Maher, N. V.
Meagher, T.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Miles, W.
Milton, Visct.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Newdegate, C. N.
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Palmer, R.
Pechell, Sir G. B.
Plumptre, J. P.
Portal, M.
Prime, R.
Pugh, D.
Rendlesham, Lord
Renton, J. C.
Reynolds, J.
Rufford, F.
Rushout, Capt.
Sadleir, J.
Salwey, Col.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stephenson, R.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Talbot, J. H.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wakley, T.
Williams, J.
Williams, W.
Yorke, hon. E. T.

TELLERS.

Cayley, E. S.
Hume, J.

List of the NOES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Armstrong, R. B.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Baring, T.
Baring, hon. F.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blair, S.
Blakemore, R.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Busfeild, W.
Cardwell, E.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Charteris, H. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R.
Dalrymple, J.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H. H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, Sir P.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Sir R. A.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.E.
Glyn, G. C.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, Sir G. J.
Heneage, G. H. W.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Howard, Lord E.
Howard, hon. C. W. G.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lushington, C.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, P. W. S.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moody, C. A.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, Col.
Peel, F.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, N.
Powlett, Lord W.
Rawdon, Col.
Reid, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.

Sandars, G.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shelburne, Earl of
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Smollett, A.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanford, J. F.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Traill, G.
Trelawny, J. S.
Trevor, hon. T.
Vane, Lord H.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. C.
Vivian, J. H.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Willcox, B. M.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyvill, M.
Young, Sir J.

TELLERS.
Hayter, W. G.
Hill, Lord M.

UNIVERSITIES (SCOTLAND).

Mr. COWAN moved for leave to bring in a Bill to regulate admission to the Lay or Secular Chairs of the Universities of Scotland. He proposed to exempt from the operation of the Bill all the Theological Chairs. The measure proposed would do away with the power of a bare minority to prevent a Professor from being admitted to a Chair. A similar measure had been introduced by a Member of the Government when they were in opposition. He, therefore, hoped for their support. He was anxious to obtain permission to introduce the Bill at the present moment, because the Church Courts would be holding their annual meeting within a fortnight's time, and would, if the measure were brought in and printed, be afforded the opportunity of giving their opinion upon its merits.

Mr. EDWARD ELLICE, in seconding the Motion, said, that, representing as he did the seat of one of the universities in question, he was enabled from experience to assure the House that the want of a measure of this nature was a great evil.

Mr. FOX MAULE expressed his entire approval of the proposition, and his readiness to give his assistance in passing the measure.

Sir R. H. INGLIS said, that when this Motion was to have been brought forward, some five or six weeks ago, he understood that certain members of the Government had requested the hon. Member for Edinburgh not to press it. He saw no reason why they should not oppose the measure at the present stage. The object of the hon. Member for Edinburgh was to separate the religious community of Scotland from the professorial duty, and to enact that in future the professors of any thing but theology might be persons of any or no religion at all. He asked the House whether it was willing to acknowledge that principle by giving leave to introduce this Bill? Holding these views, he had hoped that the Government would have protected the religious education of the people of Scotland from that violence which was directed against it in the present Motion. The existing system had been found to work well for two centuries; and in the absence of any arguments of a conclusive nature from the hon. Gentleman who had proposed the Motion, he would oppose it.

Lord JOHN RUSSELL said, that a Bill similar in its character to the present, had been introduced by a right hon. Friend of his some years since, which he had supported. He did not think that the security to which the hon. Baronet the Member for the University of Oxford (Sir Robert Inglis) referred, was one which was at all valid or effective. He believed that the restriction, if rigidly enforced, would prevent Episcopalians, of either the English or Scotch Church, from being appointed professors in the universities in Scotland. If this were the case, it might be the means of excluding valuable and learned men, and all who did not belong to the present Church of Scotland. He would give his support to the Motion now before the House, because he believed the existing tests were of no benefit whatever.

Leave given:—Bill *ordered* to be brought in by Mr. Cowan, Mr. Edward Ellice, Capt. Fordyce, and Mr. Alexander Hastie.

INCOME AND PROPERTY TAX.

Mr. HUME moved the appointment of the Select Committee of which he had given notice.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the present mode of assessing and collecting the Income and Property Tax, and to consider whether any other system of levying the same, so as to render the tax more equitable, can be adopted."

Mr. GLADSTONE said, this was a

question of the utmost importance, and it had not yet been debated by the House, at that late hour, twelve o'clock; and certainly they ought not, without great consideration, to decide whether they should appoint the Select Committee now moved for. The meaning of the hon. Member for Montrose (Mr. Hume) might have been to carry, by implication, his present Motion for an inquiry, as a necessary corollary of the Motion he induced the House the other night to adopt. Still it was not included in the former proposition, as he understood it. Many hon. Gentlemen who had voted for the limitation of the income tax for one year did so on grounds entirely distinct from those which influenced the hon. Gentleman himself; by no means committing themselves to the appointment of a Committee, but, on the contrary, highly disapproving of that step. The question, therefore, as he had said, had never yet been discussed, and he felt that there were some difficulties that lay in the way of appointing the Select Committee now proposed. But he thought there would not then be a sufficient opportunity of fully and properly discussing the merits of the question in the manner which its gravity demanded, because, independent of the subordinate difficulties of the inquiry now asked for, one great reason why they should hesitate was, because the question to be referred to the Committee might amount to, whether or not faith was to be kept with the proprietors of the public funds. [Mr. Hume: Oh, oh!] That expression of opinion, made in a not inconvenient manner by the hon. Gentleman, only confirmed what he was contending for, namely, the necessity for subjecting this question to adequate discussion, because the hon. Gentleman appeared to consider one of the reasons he (Mr. Gladstone) had urged as strange and preposterous; and yet he must allow that, if found to be correct, it would form an objection to the proposed inquiry of the gravest character. He was, therefore, disposed to move that the debate should be adjourned, with the view of fixing on a more convenient time for fully discussing whether or not a Select Committee of so serious a nature ought, on public principle, to be appointed.

Mr. HUME was extremely sorry that the right hon. Gentleman (Mr. Gladstone) had misconceived the effect of his Motion on Friday night; but that arose from hon. Gentlemen not being in their places during the debate. He defied any one to point

out a word of his, uttered in that House during his whole public life, that warranted the charge that he wished to break faith with the public creditor. He thought the remark of the right hon. Gentleman calculated to excite a suspicion and prejudge the question he was bringing before the House. He saw no difficulty in proceeding to discuss the question now; and when he was proposing the names of the Committee, he would be glad to listen to the objections of any hon. Gentleman.

Mr. SIDNEY HERBERT said, that having taken a part in the discussion on Friday night, perhaps he would be allowed to say a few words on the present question. Many hon. Gentlemen on Friday night, in explaining their reasons for voting with the hon. Gentleman (Mr. Hume) for the limitation of the duration of the tax to one year, expressly wished to disconnect themselves from the subsequent Motion, to carry which was the object that the hon. Gentleman had in view. Therefore the vote then come to by the House was simply a vote that the tax should last for one year. The view which he (Mr. Sidney Herbert) himself took on that occasion was founded entirely on his objections to the income tax being made permanent; and he did not think that the question as to an inquiry with the view of readjusting the different schedules had at all been regularly brought under discussion, still less decided upon, by the Resolution of the House on Friday night. The mistake which the hon. Gentleman (Mr. Hume) said his (Mr. Sidney Herbert's) right hon. Friend (Mr. Gladstone) had made as to the bearing of his Motion on the public creditor, showed the necessity for properly debating the question; and what he and his right hon. Friend said to the disclaimer of the hon. Gentleman was, that by his precipitancy in pursuing his object, he was creating a danger that he was himself unaware of. The idea of discussing the question when the names of the Members of the Committee were proposed was puerile and absurd, because before they nominated the Committee the principle of the proposition would have first been decided upon. But the greatest objection to appointing the Committee at present was that it would be appointed avowedly to make such modifications in the income tax as would induce the House ultimately to adopt it as one of the permanent burdens of the country. They ought to be careful, therefore, how they prematurely took the first step, and not commit themselves to a modification of the tax till they had all the reasons for and against it fairly and fully before the House. It was now a few minutes to twelve o'clock, and he therefore hoped the hon. Gentleman would consent to an adjournment, in order to give a better opportunity for properly debating the question.

Mr. AGLIONBY said, the discussion that had just taken place reconciled him to the vote he had unwillingly given against the hon. Gentleman (Mr. Hume) on Friday. It was clear hon. Gentlemen opposite had not voted for an equitable adjustment of the tax, but against the tax altogether, in order to have back protection. Did any man believe that there would have been a majority for the Motion the other night, if the question had not been viewed as a question of the continuance of the tax for one year with the view of referring the subject to a Committee? The sole object with which many hon. Members voted for the Motion was that an inquiry should take place; and he hoped, therefore, that the right hon. Gentleman opposite (Mr. Gladstone) would not raise a discussion as to appointing a Committee.

Mr. STANFORD believed the whole country was opposed to the income tax. He voted for the Motion of the hon. Member for Montrose (Mr. Hume), not because he approved of the income tax, but because he preferred having the evil for one year than for three. It was not a question of protection against free trade, but a question of direct or indirect taxation. He thought, therefore, that they ought to take a discussion on the subject. He wished to abolish the income tax altogether, because the inefficient body of men that sat on that (the Ministerial) side of the House, had no other method of meeting the financial engagements of the country but by dipping their hands into the pockets of the agricultural, the trading, and every other interest of the country. He did not like to see the House made the laughing-stock of Europe, by voting a tax for three years only, when the real object was to make it permanent. He did not want to have the tax made more equitable with a view to its being made permanent, because he was opposed to direct taxation. At all events he preferred a mixed method of direct and indirect taxation. Every one that voted for the present Motion should be prepared to establish the income tax for ever as a permanent tax. He believed that the hon. Member for Montrose was anxious for the maintenance of the national credit; but as his Motion would have a contrary effect, he (Mr. Stanford) would oppose it.

Colonel SIBTHORP wished to know if the hon. Gentleman *bonâ fide* intended to limit the tax to one year, or to make it permanent?

Mr. HUME said, it did not rest with him to decide the continuance or discontinuance of the tax. When the Committee, which he now wished to have appointed, had reported, that duty would devolve upon the House itself.

Mr. SLANEY thought the diversity in the motives of those who supported the hon. Gentleman (Mr. Hume) on Friday, was as great as the number of those who had comprised his majority. He felt confident that, unless this question was fairly considered, after that majority the other night, to which he did not belong, the country would think they were not fairly dealt with. It seemed proper to him to appoint a Committee for the purpose of seeing whether the tax could be made more equitable or not.

Sir THOMAS ACLAND believed there were many objections to this tax on the ground of its unequal pressure, and he thought the time had arrived when its operation should be thoroughly considered. He had voted with the hon. Member for Montrose (Mr. Hume) simply on the statement he made that he had in view the limiting the duration of the tax for one year, and the appointment of a Committee thoroughly to consider its operation. After that inquiry the House would be in a better condition than it was now to determine what were the principles on which the taxation of the country should be conducted.

Lord JOHN RUSSELL said, what had passed to-night had only confirmed the opinion he gave on Friday night, that the House was incurring a very great inconvenience in agreeing to the Motion of his hon. Friend the Member for Montrose, hon. Members who voted on that occasion having a totally different view of the steps that were to follow on that Motion. But he must say that his hon. Friend (Mr. Hume) had always clearly and distinctly stated the object he had in view in that Motion. His hon. Friend wished the tax to be limited to one year, for the purpose of having an inquiry; and he (Lord John Russell) must say, the House having agreed to limit the tax to one year, and his hon. Friend having stated his object to be inquiry, to see how far the tax could be made more equitable, he thought the whole country would now be disappointed if that inquiry did not take place. If the House did not now agree to the Motion for a Committee, when they came next year to consider the propriety of continuing the tax, they would be in the same position in which they were at present. But if the proposed inquiry took place, objections could then be stated to the operation of the tax, and plans suggested with a view to modify what might be considered its inequalities; at least, such inquiry would give the House some means of deciding whether they would continue the tax for three years or one year, and with or without any qualification. The hon. Member for Buckinghamshire (Mr. Disraeli), although he gave his vote in favour of the limitation of the tax to one year, thought the House could not expect that it would be done away with immediately; and if it were continued, that it was desirable it should be continued in a manner to show the country that all had been done that could be done to render the tax equitable. He (Lord John Russell) certainly gave no opinion now whether his hon. Friend (Mr. Hume) should ask for his Committee at the present time; but whenever he did move for that Committee, he (Lord John Russell) should certainly give his vote in favour of the Motion.

Mr. DISRAELI said, whatever might be the motive for the vote the House came to on Friday, he thought they were morally pledged to the appointment of this Committee. He very much disapproved of transferring the duties of the Government to Committees of that House; and he had shown his disapprobation of such a course on a previous occasion by calling for a division on the Salaries Committee. He thought that subsequent experience would have confirmed the House in the propriety of the course he took on that occasion. With regard to the present Committee, the noble Lord (Lord John Russell) rather misunderstood the observation which he made the other night. He (Mr. Disraeli) was aware that the general feeling of those who voted was, that although the proposition of the hon. Member for Montrose was merely to substitute one for three years as the duration of this tax, virtually it was in favour of a Committee; and as far as his (Mr. Disraeli's) vote was concerned, he should make no attempt to get rid of the Committee.

Sir GEORGE CLERK hoped that, if the House appointed a Committee, it would specially guard against giving any indulgence to persons in particular schedules. He hoped those in Schedule D, for example, would not be placed in a more favourable position than at present. If they allowed persons deriving incomes from land, profits in trade, &c., to be placed in a more favourable position than the public creditor deriving his income from the public funds, they would be guilty of a breach of the public faith. The subject was deserving of an ample discussion, and on that account he objected to the Motion being brought forward at so late an hour.

The CHANCELLOR of the EXCHEQUER said, he did not think anybody would suppose that he was particularly favourable to the appointment of a Committee to inquire into this subject. He had stated distinctly on a former occasion that he did not see that much good was likely to result from a Committee. Having premised that, he could only say now that he thought the House was morally committed to the appointment of a Committee. He felt that a sacred duty rested with the House to take care that they kept inviolable faith with the public creditor. The Motion of his hon. Friend the Member for Montrose (Mr. Hume) was for a Select Committee to inquire into the present mode of assessing and collecting the income and property tax, and to consider whether any other system of levying the same, so as to render the tax more equitable, could be adopted. There was not one word in the terms of his hon. Friend's Motion which implied the slightest breach of faith with the public creditor.

Question put, and *agreed to.*

KAFFIR TRIBES COMMITTEE.

Lord JOHN RUSSELL moved the appointment of the Members of the Select Committee on the relations of the Kaffir Tribes with this country.

Colonel DUNNE complained that there was not a single Irish Member named on the Committee. Irishmen were excluded, indeed, from almost all Committees, as if they were not subjects of the United Kingdom, and he held that it was exceedingly unfair that it should be so. The Irish Members ought to be invited as well as others to take a part in the general businiss of the country. He would protest againt the appointment of this Committee.

Lord JOHN RUSSELL could say that it was quite unintentional on his part to omit Irish Members from the Committee, and it was not till that morning that his attention had been directed to the subject. Nor did he think there was any ground for the charge that they were systematically excluded from Committees. But the other day a Motion was made to add an Irish Gentleman to a Committee, and that Motion was at once acceded to. If the hon. and gallant Colonel was willing to serve on the present Committee, he, for one, would be very willing to have his name substituted for that of Admiral Dundas.

MR. HOBHOUSE considered that the practice of the House, as regarded the appointment of Public Committees, was the most inequitable and unjust that had ever been recognised in any legislative assembly; and he was prepared, if no other Member did, to bring the question before the House. He pledged himself that if no other Member mooted the subject, he would do so, if not during the present, at least in the next Session of Parliament. The whole system of appointing these Committees was devised in a manner calculated to mislead the country. He believed that the names proposed for Committees were arranged by a certain number of Gentlemen on both sides, over the table of the House, who compared lists together. After a comparison of the lists, he believed that they were submitted for the approval of those who were called the leading Members of the House. From Committees thus constituted, some of the best, ablest, and most enlightened Members of the House were excluded. It had often been his intention to call the notice of the House to this subject; and he would now take the liberty to put the question in the form of a dilemma. When a Member of Parliament was not called to serve on Committees, was it regarded as an exemption or an exclusion? If it were an exemption, he was surprised to find young and rising men of talent, such as the hon. Members for Leominster (Mr. F. Peel), and King's Lynn (Mr. E. Stanley), and other Gentlemen he could name, in the position of Committee-men. If, on the other hand, it was an exclusion, and he had no doubt it was so considered, nothing could be more partial or unfair. Some hundred Members of that House were supposed to be ubiquitous, and were appointed to almost all Committees. This was a great constitutional question—one for the solemn and serious consideration of Parliament. He had been a Member of that House for seven or eight years—one Parliament intervening—and he did not consider himself inferior to some who were placed upon Committees. Serving upon a Committee was a valuable apprenticeship; information was obtained, experience afforded, useful habits contracted, and, he might add, means of winning popularity attained. [*A laugh.*] Yes, with all due respect to the House, he would maintain that serving on Committees gave the means of acquiring popularity; as when, for instance, a Member was enabled to tell his constituents that he had assisted in abolishing the office of Master of the Mint, or in reducing the salaries of Lords of the Treasury. One hon. Gentleman was placed upon a most important Committee, because he was connected with what was termed the leading journal of Europe. They often found Gentlemen, indeed, who had not yet displayed any particular talent or ability, or attained any considerable position in the House, employed on these Committees, and then they were enabled to go down to their constituents and say—"See what I have done; I have been the means of reducing these salaries, and abolishing these places;" thus obtaining a popularity from which other Members were excluded. He would not say those hon. Gentlemen were not possessed of great abilities, and were not perfectly qualified to serve with efficiency; but they had not manifested their powers to the House. Committees had of late absorbed many of the functions which Government had virtually abrogated. The Government had absolved themselves from responsibility and fallen back upon Committees. The Government had been, to a great extent, put in commission. He must protest that, if the noble Lord—of whom he always wished to speak with respect—thus delegated to Committees the initiation of measures; that, if this course were persevered in, common justice demanded a less exclusive arrangement; and he thought that the House might be obliged to adopt the French system of dividing themselves into bureaux. He was willing and ready to serve in Committees, though not peculiarly desirous of the appointment; on the contrary, he was glad to have time to enjoy the recreations of leisure, but he was decidedly opposed to this exclusive, unfair, and partial system, which was not constitutional, and ought to be abolished. If the hon. and gallant Member for Portarlington brought forward a Motion on this subject, he would support him; if not, he would bring it forward himself. He objected *in toto* to the mode of settling every thing across the table of the House. If the system of France were adopted in one respect, namely, deputing the powers and functions of the Government to Committees, why not adopt it in another, and divide the House into bureaux, which would prevent exclusion ?

Mr. REYNOLDS said, the hon. and gallant Member for Portarlington had asked the noble Lord (Lord John Russell) a question which the noble Lord had not answered. There were fifteen Members on the Committee, not one of whom was Irish. The hon. and gallant Gentleman (Colonel Dunne) asked the noble Lord whether Ireland really was a portion of the United Kingdom ? The answer given by the noble Lord was rather Irish, for the noble Lord said he had never thought upon the subject until this morning. Whether this morning meant a quarter of an hour ago (it was then half-past twelve), or a quarter-past twelve yesterday, he could not tell. The noble Lord seemed disposed to supersede Admiral Dundas; but he (Mr. Reynolds) had no disposition to supersede the gallant Admiral. But what they complained of was, that out of a Committee of fifteen Members—appointed upon a most important subject—the Kaffir war, there was not a single Irishman. [*Laughter.*] They might laugh; but if there had been no Irishman at the Cape of Good Hope, there would have been a short account of British power there. Yes, if a gallant Irishman did not command there, British power would have sustained a shock which it would not easily have recovered. According to the constitution of the House, there ought at least to have been three Irish Members on the Kaffir Committee. The present system was certainly a most unfair one. On a recent occasion the right hon. Secretary for Ireland (Sir William Somerville), had caused his (Mr. Reynolds') name to be struck off a Committee, and so anxious was that Gentleman to keep him off, that he procured the attendance of three Cabinet Ministers, and a large number of hangers-on. He would not say the Committee was packed—that would be offensive, unparliamentary — he would merely say that it had been selected. The noble Lord the Secretary for Foreign Affairs had thought it worth while to come down to vote against him (Mr. Reynolds) being on that Committee, which was on a local subject—a very proper return, he must own, for his having, at some inconvenience, come to vote in support of the noble Lord in the famous case of Don Pacifico *versus* Palmerston. Upon another occasion the right hon. Secretary for Ireland had contrived to supersede his Colleague and himself in a matter in which the city they represented was especially interested.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Member for Lincoln (Mr. Hobhouse) was mistaken in stating that the hon. Members for Leominster and King's Lynn had not been placed upon Committees. The hon. Member for Leominster (Mr. F. Peel) had served last Session upon the Attorney General's Committee on the Bankruptcy Laws.

Mr. HOBHOUSE explained that what he had said was, that the omission of a Member's name from a Committee could not be considered an exemption, because such rising and able Members as the hon. Member for King's Lynn (Mr. E. Stanley), and the hon. Member for Leominster (Mr. F. Peel) were placed upon Committees.

The CHANCELLOR OF THE EXCHEQUER would not say a word more on that subject, as he had misunderstood the hon. Member; but with regard to Ireland he could say, that for the last four or five weeks hardly one Committee had been appointed which had not one or two Irish Members upon it.

Mr. KEOGH said, the right hon. Gentleman the Chancellor of the Exchequer had observed that it was necessary to look to facts, although he abandoned his facts the same moment that he referred to them. Now, he wished to call the attention of the House to facts. The objection of his hon. and gallant Friend the Member for Portarlington (Colonel Dunne) was, that no Irishman had been appointed to the Kaffir Committee. The right hon. Gentleman the Chancellor of the Exchequer says that there is not a single case of a Committee being appointed on which there is not an Irishman. But here is one—the present case is one in point against the right hon. Gentleman. The hon. Member for Kinsale (Mr. Hawes) was certainly an Irish Member, but he did not think of putting forth such an argument against the charge; for he admitted that it was not in that character the hon. Gentleman was to serve on the Committee, but merely as the representative of the Colonial Department.

He (Mr. Keogh) was sure that the hon. Member for Kinsale would recollect that this question was brought before the House last Session—and what were the facts? Why, that on twenty-one Committees which had been appointed, not one single Irishman had been selected. So much for the facts of the right hon. Gentleman. But let them look at the constitution of the Committee. It was an unfair Committee, an inequitable Committee, and that quite apart and on different grounds from the exclusion of Irishmen. It was an unfair Committee to inquire into this question of the Kaffir tribes. He would go through the Committee *seriatim.* First, there was the right hon. Secretary at War; of course he represented his department. Then there was the noble Marquess (the Marquess of Granby); no one could object to him. Then there was the hon. Member for South Essex (Sir Edward Buxton) who represented, he should suppose, the aborigines. Then there was the hon. Gentleman the Member for King's Lynn (Mr. E. Stanley), whose great knowledge and experience, and the attention which he had devoted to colonial subjects, well fitted him to serve as a Member. Then there was the hon. Member (Colonel Thompson) who represented Bradford and the Reform Association. Then there was the hon. Member for Lymington (Mr. Mackinnon) very much connected with the interest of smoke in that House, and who at all events had a relative commanding a beleaguered fort in that part of the world. ["Oh, oh!"] Why, that is the reason the Government have selected him. The right hon. Secretary at War need not shake his head; a Member of the Government not half an hour ago gave it as the reason. Then there is the hon. Member for Bolton (Sir Joshua Walmsley) who represents financial reform; and then there was the hon. Gentleman who represented the Colonial department (Mr. Hawes). Why, there is not a single Irishman on the Committee; and the exclusion is not an accident, but is part of a system. The right hon. Gentleman the Chancellor of the Exchequer says it is perfectly absurd to say, that they kept Irish Members from serving on Committees, and instanced that they were most desirous to have an Irish Member to serve upon the Customs. And whom did they select? Why, a Gentleman who had announced in every paper in the kingdom his intention of resigning, and who only delayed to do so that he might witness the final and the complete overthrow of the Ecclesiastical Titles Bill. He alluded to Mr. Fagan. This was the Gentleman they had chosen; and upon his resignation whom did they select? Why, the hon. Member for Belfast (Mr. Tennent), whose ill health or some other cause would render him not a very constant attendant in the House. Now, keeping these facts in mind, he must say this exclusion was universal, and that he believed it was systematically designed. Believing this, he would join his hon. and gallant Friend (Colonel Dunne) in opposing the Committee.

The CHANCELLOR of the EXCHEQUER said, the Gentleman who had been selected in the room of Mr. Fagan was Mr. Tennent, Member for one of the largest and most prosperous towns in Ireland, Belfast.

Mr. SADLEIR had no doubt whatever that the exclusion of Irish Members was systematic, and he could not forget that there was not a single Irish Member on the Committee or the Commission appointed to inquire as to the best Transatlantic station.

Colonel DUNNE moved the postponement of the Committee.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. HOBHOUSE seconded the Motion.

Lord JOHN RUSSELL said, that he had not the least objection to any number of Irish Gentlemen serving on the Committee; and as the hon. Member for Dublin (Mr. Reynolds) said that he thought three would be a fair proportion, he was willing that the Committee should consist of seventeen Members, and that the name of Admiral Dundas should be omitted. If the hon. Member for Athlone (Mr. Keogh) would allow the nomination of the Committee to proceed now, he (Lord John Russell) would upon Monday propose the names of three Irish Members.

Mr. KEOGH would oppose the nomination until he knew the names of the Irish Members. He protested against the Committee altogether. He would, therefore, support the Motion for the adjournment of the debate.

Mr. HUME appealed to the hon. Member not to persist in his opposition, after the concession of the noble Lord at the head of the Government.

Colonel DUNNE was satisfied with the proposition of the Government, and entreated his hon. Friend to forego his opposition.

Mr. SADLEIR saw no inconvenience arising from the postponement of the question. They had not raised it for the mere purpose of a profitless discussion.

Lord NAAS entreated his hon. Friend to give way. The noble Lord (Lord John Russell) had conceded all that was demanded.

Lord JOHN RUSSELL said, that if he postponed the Committee until Monday, he had no guarantee that the hon. Member would be more reasonable upon that day.

Mr. BRIGHT was not aware that the Irish Members had suffered, or that even any question had suffered, by the exclusion of Irish Members from a Committee, because he agreed very much with the hon. Member for Lincoln (Mr. Hobhouse) that Committees were chosen in a very unsatisfactory manner, and that nine out of ten were nothing but a sham. He was glad the question had been brought forward by the hon. Gentleman behind him; and he hoped that in future the Irish Members would take a greater part in Committee work, and that there would be no cause to complain that they did not attend as well as English Members. The noble Lord at the head of the Government having consented to add the names of three Irish Members, in common fairness he trusted the hon. Member (Mr. Keogh) would not mar the effect of that which had been done, by insisting that the Committee should not be appointed to-night.

Mr. KEOGH could not defer to the advice of the hon. Member for Manchester; and he hoped the friendly sneer directed to Irishmen would be remembered not only by Irish Members in the House, but by Irishmen out of doors, and that might be important to the hon. Gentleman. It was very unpleasant to object to the name of any Gentleman, particularly the name of any Member from his part of the country; and, therefore, he must persevere, at the risk of incensing the hon. Member for Manchester, in objecting to the appointment of a portion of the Committee until it could be appointed as a whole.

Mr. BRIGHT said, it was entirely a mistake if it was thought he intended a sneer on Irish Members. No one had paid more attention or taken more interest than he had in Irish business; but this was a very dull place, and it was a common thing, if a double meaning could be attached, to raise a laugh and convey a meaning different to that intended.

The House divided:—Ayes 16; Noes 131: Majority 115.

Committee appointed.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 9, 1851.

Minutes.] Public Bills.—1ª Arrest of Absconding Debtors; Compound Householders.

Reported.—Exchequer Bills; Indemnity.

TRANSPORTATION OF CONVICTS.

Lord LYTTELTON presented two petitions, of which he had given notice, from the colonists of Van Diemen's Land, or Tasmania, as they themselves preferred to have it called, praying for the cessation of transportation of criminals to that island. The one was from the colonists in public meeting assembled, and the other from colonists of the Northern Division of the colony; and the two petitions together were signed by many thousands of persons. (*Minutes of Proceedings*, 46.) He had also been entrusted with a memorial to Her Majesty the Queen on the same subject, which he hoped shortly to be able to present, signed by many thousands of the women of that colony. The noble Lord said, the importance of these petitions, and the subject to which they referred, would, he hoped, be his excuse, if he troubled their Lordships with some remarks upon them, notwithstanding that a short debate on the same question had taken place upon it a few weeks ago, at which he was not present. But there was a special reason why those who concurred with him in that subject were induced at once to bring it under the notice of the House. The subject of transportation to our colonies was one on which public opinion in this country was weak, and did not press upon the Government; and it was no wonder that it should be so, the subject being a painful and a disagreeable, as well as a complex and difficult one. Of the Members of that House, for example, probably there were not many who knew or cared about the subject of transportation; but those who did know it, knew that it was a very serious matter. They would know, although to many of their Lordships it might be a disagreeable piece of news, that at this moment there was in the course of formation in all our Australian colonies, an anti-convict league, to resist and oppose the transportation of convicts to any one of those colonies—not only to Van Diemen's Land, to which it was at present nominally confined, but to any one of the Australasian colonies, including New Zealand. And as to what was the immediate origin of this Australasian combination, which would probably produce a petition to the Parliament of this country before the end of the present Session, signed by 40,000 or 50,000 persons out of a population of British origin and of all ages, little exceeding 300,000. No doubt the immediate incentive of this combination was the successful example of the colony of the Cape, than which he had heard it stated that since the transactions in Boston Harbour, New England, in the last century, no more alarming events of a similar character had ever oscurred. Whether this Australasian Anti-Convict League would lead to results of equal gravity could not now be predicted—he trusted that it would not—but, at all events, it was one of the first fruits of the successful resistance of the Cape to the reception of convicts. This circumstance showed the feeling of the colonists on the subject, and he would urge upon the attention of the House then, as he had done before, to consider whether the necessity of getting rid of the inconvenience suffered at home from the difficulty of dealing with our criminal population, was sufficient to counterbalance the dissatisfaction and discontent engendered in these young and growing colonies, by their being compelled to receive the demoralised population we landed on their shores. No doubt the Government—and especially his noble Friend the Secretary for the Colonies (Earl Grey)—deserved the greatest credit for their attempts to reform the system of transportation; and doubtless if the system was to be carried on at all, it could not be carried into effect in a better manner than it was at present, or under a better agency. For the appointment of the present Governor of Van Diemen's Land, Sir William Denison, and Mr. Hampton, the Comptroller-General of convicts, under the existing system, he (Lord Lyttelton) was himself in some degree responsible; but he would call their Lordships' attention for a short time to the evidence of the Parliamentary Papers now on their Lordships' table, as to the manner in which the reformed system of transportation had worked. No one doubted that the present Government's reformed system was only to be regarded in the light of an experiment; and the question was, how far had that experiment answered as a reformatory system? The main feature of that system was that the whole of the strictly penal part of the punishment for convicts sentenced to transportation should be inflicted at home, and that, after the termination of that portion of their punishment, they should be deported to one of the colonies. Now, as had before been pointed out, everything depended, as regarded the operation of this system, on the effect which it would have on the criminally disposed population at home; for, whatever differences there might be in detail, the system of removing convicts with tickets of leave was nothing in principle but the assignment system revived. How far the system had been satisfactory at home, there could not, at this period, be any doubt, for in this country crime had been on the increase, while the convicts who had been sent to the colonies arrived there with extravagant expectations of high wages and certain prosperity. What had their Governor in the colony of Van Diemen's Land said as to the circumstance of having the restrictive and reformatory punishment inflicted at home, and not in the colony? The Governor of that colony (Sir W. Denison), who had a great desire that the experiment should succeed, said—

> "Upon the supposition, therefore, that it is still the intention of Her Majesty's Government to carry out the principle of a gradual remission of punishment, allotting to the convict, first, a period of separate confinement; secondly, a term of compulsory labour; and, thirdly, a series of indulgences, closed at last by a conditional pardon, I am prepared to submit and to recommend most earnestly that all the convicts whom it is intended to transmit to this colony should be sent here after having undergone the first portion of these punishments, and that they should pass their period of compulsory labour, and of the various modifications of indulgence, in accordance with the rules now in force here, and which have been found to work very well when properly administered."

The Governor again repeated this opinion in still stronger terms:—

> "I have submitted to your Lordship the propriety of sending the convicts out to this colony as soon as they have passed through the first stage of their punishment, namely, the separate confinement, and of allowing the colony to benefit by the labour of the men when undergoing the second stage of compulsory labour. The documents which I now forward are sufficient, I submit, to prove the absolute necessity of the adoption of some rule of the kind, with regard to, at all events, the Irish convicts."

But this recommendation went to uproot the whole reforms in the system introduced by the Colonial Secretary, because it was the very keystone of his improvements that the convicts should pass the two first stages of their sentence in this country, and not in the colony. His noble Friend opposite could not be expected to accede to this; and in consequence he said in his reply, dated the 25th of July, 1850:—

> "I do not consider that an experiment tried under such unfavourable circumstances ought to set aside the conclusion adopted upon general grounds, and from a much wider experience, as to the advantage of subjecting convicts to compulsory labour more immediately under the eyes of the Government, where any errors in the system of management may be more easily and promptly detected, and where the services of efficient officers can more easily be secured than in a distant colony. In Ireland, indeed, there have not yet been the requisite opportunities for introducing an efficient system of discipline for the whole of the greatly increased number of convicts in that island; and I think that it will probably be very desirable to take advantage of the means which you describe to exist of inflicting the second stage of punishment, or that of compulsory labour, in the colony for some of these Irish convicts."

Now, observe, the noble Lord (Lord Grey) had made two important modifications in his expression of opinion. He stated that, in the first place, with regard to all Irish convicts—not the most welcome in the colony—as there was no efficient system of discipline in Ireland, it was probably desirable to take advantage of the means of inflicting the second stage of punishment—compulsory labour—in the colony in the case of some, and probably the whole of the Irish convicts. Well, as to the beneficial effect of the system, Sir William Denison wrote an honest statement declaring that he would be belieing his own convictions, and misleading the Colonial Office, if he said that he believed in the probability of any marked change in the moral principles of a convict through the operation of secondary punishments. The statistical tables showed that the number of male convicts at a given time under the operation of that system in Van Diemen's Land was 18,000 of all sorts, and out of these 1,700 were under magisterial sentence. Then, as to the condition of the female convicts in Van Diemen's Land, there was not much evidence on that point in the Parliamentary papers, and that little was not favourable; for he had heard, and he believed that many of their Lordships might also have heard, the most deplorable accounts regarding these female convicts. Indeed, their condition was such, that notwithstanding the lamentable disproportion of the sexes in the colony, hardly any of them were ever disposed of in marriage. But if there could be any doubt entertained whether the experiment had worked well in the colony up to the present time, he apprehended that the feelings of the people of Van Diemen's Land on the subject could hardly be doubted. The feeling of the inhabitants of Van Diemen's Land was evidently against our system of transportation under any shape whatever. He hardly thought the Government themselves would dispute that the great majority of the colonists were opposed to transportation; and he believed that the Government sympathised with them, and would be glad, if they knew how it could be done, to relieve the colony from the obnoxious system. Evidence might be produced which on the first blush might lead to the belief that there was a feeling in favour of the convict system, and such a feeling had even been represented through the colonial newspapers. But in fact that was the most serious part of the case; because there was a convict interest in the colony, composed of convicts and emancipists, who wished to set up on their own account, and who carried on an open war against the interests of the free colonists. But it was the interest of the free colonists that was the important consideration; and doubtless the Government were anxious to relieve them from the convict system. But how was that to be done? The question had been referred to the Legislatures of some of the Australian Colonies; and with regard to New Zealand, South Australia, and Port Phillip, or Victoria, no one could doubt that the unanimous feeling was against transportation in any shape. The noble Earl opposite had submitted it also to the Legislature of New South Wales; and a resolution, came to without a division, represented the final decision of that body to be hostile to the renewal of transportation, accompanied by a request that the Order in Council might be abrogated which constituted them a settlement liable to receive convicts; and, as far as they could judge of the feeling of a scattered population, which could not be easily arrived at, as distinguished from the feeling of the Legislative Council, petitions had been presented to the Legislative Council against transportation, signed by upwards of 36,000 persons, while petitions signed by only 525 persons had been presented in favour of the system. With regard to the district of Western Australia, which was the strongest case of the Government last year, it was impossible to read the reports of the Governor of the colony without seeing that it was impossible to inflict the convict system much longer upon the colonists except by force. It was only an experiment which they were willing to endure from the dire necessity and need of labour for a certain time. They had repeated their request to have the convict system combined with an equal amount of free emigrants—a scheme which had failed in Van Diemen's Land; and the Governor even doubted how the system would work as regarded the boys sent out from Parkhurst Prison, for he declared that, in his judgment, many of the boys who had been deemed the best conducted while in the prison at Parkhurst, had turned out the worst conducted when they arrived in the Colony. With regard to the district upon which the noble Earl opposite relied—the district of Moreton Bay—it could not be denied that from the great want of labour, there was some chance that the colonists would be willing to receive convicts. But that was a most precarious tenure upon which to place the system. At present the Moreton Bay district was a part of New South Wales, and being subject to its Legislature, would therefore be unable to have convicts against its consent. But even if it was made independent of New South Wales in future, the convict system could only last for a time; you would be only staving off the evil day; the colonists of Moreton Bay would not be able to resist the tide of feeling in all the neighbouring colonies; and doubtless when they had attained a sufficient supply of labour, and a state of prosperity, they would refuse to receive convicts any longer. The real question to be considered in a case like the present was this—" What sort of a community do you wish your Colonies to become ? " He took it for granted that we wished them to consist of good and useful and virtuous citizens. Now, in a moral point of view, the presence of these convicts must lead to the temporal and spiritual pollution of the Colonies, although it might forward their material interests; and yet we were bribing them, by a measure which seemed beneficial to their material interests, to consent to that which must tend to the degradation and ruin of their future social and spiritual interests. It could not be otherwise but that the presence of shoals of convicts would be detrimental to the morals of a Colony. The arguments advanced in favour of the present system was that the convicts at home, after passing through their punishment, could not find employment because they were shunned and dreaded by everybody. On what was that feeling founded ? Was it not on something good ? Was it not the dread of the contamination which they might spread among our children and families ? And because the Colonies could not resist the pressure which we brought to bear against them, were we justified in forcing upon them a lower standard of morality than that by which we regulated our own society at home ? His belief was that the present experiment in the convict system was not going on much better than the former experiments ; and he believed that the Government would yet find themselves inevitably bound to reconsider the whole question, and abolish penal settlements altogether in the Australasian Colonies. This brought him to another important point—a point to which he had adverted last year, and to which he must advert again now. Last year, as now, every petition, every memorial, and every discussion that had taken place on this subject in Van Diemen's Land, had upbraided the Government in the strongest manner with the non-performance of the alleged promise which the colonists said they had received from the Secretary of State, in 1846, that transportation to Van Diemen's Land should cease. Probably a promise to that effect would not affect the convict system now pursued there ; nevertheless, great aggravation of feeling had existed in consequence on the part of the colonists; and therefore it was that the subject had been so frequently before Parliament. But the Secretary of State had only given one answer to that alleged promise; he denied that he had ever made it. He said there might be a few expressions in an isolated despatch which might bear that construction; but no one could read the whole set of despatches without seeing that the intention of the Government was to maintain transportation in some form or other, and especially to Van Diemen's Land. But this was a fallacious mode of putting the case. There was no such set of despatches as the noble Lord referred to, and the question was as simple as possible. When the present Government came into office, they found the question of transportation in a painful and oppressive shape, and they immediately had to consider it. On the 30th of September, 1846, the noble Lord opposite (Earl Grey) wrote a despatch to Sir W. Denison, containing several very commendable modifications and improvements in the transportation system then enforced—the probation system, as it was called; and he prefaced his remarks by stating that a more fit occasion for taking a general retrospect of the whole question would have arrived whenever he should be able to explain the views of the Government and the decision of Parliament as to the entire system of transportation, and that that time, he trusted, was not remote. Till then (the noble Lord wrote) he should confine the instructions he addressed to the Governor to the course to be pursued in regard to the convicts who were then in the colony, and who might hereafter arrive. Several months after the date of that letter, Sir G. Grey, Secretary of State for the Home Department, who was equally concerned in this question, addressed a long, deliberate, and complete despatch to his noble Friend the Secretary of the Colonies, containing a matured exposition of the views of Her Majesty's Government. This was the statement. After recapitulating the evils of the former system, he wrote on the 20th of January, 1847—

> "The transportation of male convicts to Van Diemen's Land, as hitherto carried on, should not be resumed. Should your Lordship concur in this opinion, it should be intimated to the Lieutenant Governor of Van Diemen's Land that it is not the present intention of Her Majesty's Government to resume the transportation of male convicts to that colony."

Sir George then proceeded to describe the system about to be adopted. He gave an account of the separate system of confinement to be adopted at Pentonville and elsewhere, observing that "employment on works should be followed up in ordinary cases by exile or banishment from their country." The system, therefore, which the Government had determined to act upon was this—employment at home, after a period of seclusion at Pentonville, to be followed by exile or banishment abroad. Now, what did that mean? It certainly did not mean banishment to a colony, because Sir G. Grey's letter went on to say—

> "That the condition of the pardon to follow the punishment was to be that they should quit this country and not return to it during their term, and that, on obtaining this conditional pardon, the only restriction on their liberty should be the prohibition of remaining in this country."

Now, he would ask their Lordships whether there was in this description anything like transportation to Van Diemen's Land mentioned? No such thing; the sentence was to be, not transportation or deportation at all. It was merely to be banishment to any part of the world which the exile might select, with the single proviso that he should not return to this country. Whether the despatch which he had just quoted had been communicated to the Governor of the colony he could not tell, for the acknowledgment of the next despatch from Sir W. Denison was very short, and merely stated his determination to adopt the decision of the Home Government. His noble Friend opposite subsequently told Sir W. Denison, and Sir W. Denison repeated his noble Friend's words to the Legislative Council, that "it was not the intention of Her Majesty's Government that transportation to Van Diemen's Land should be resumed at the expiration of the two years for which it was to be discontinued." The colonists of Van Diemen's Land were thus left in a reasonable reliance on the faith of Government that transportation to their settlement was not to be resumed. Some months afterwards his noble Friend sent out another despatch to that colony, in which he stated that he had found it impossible to act upon the determination which he had announced. After that, transportation to Van Diemen's Land was resumed and continued, and carried on in its main features as before. His noble Friend had also promised that in two years the probation gangs should cease to exist; but notwithstanding such a promise, they still continued in existence. But it should be remembered, that the Governor of the colony had announced in unqualified terms that transportation should not be renewed after two years, and that the noble Earl had never found fault with him for making that announcement. In point of fact, it was impossible that Government should censure him for an annunciation which it had authorised him to make. That, however, was a grievance of which the colonists had a right to complain, and which bitterly aggravated their feelings on this question. He did not blame the Government for what it had done; for the question in this country was so urgent, that it could not be waited for; it was one which every assize and gaol delivery would increase and complicate.

That which he thought that the Government ought to have done was this—they ought to have acknowledged with a good grace that they had undertaken to do more than they could perform, and that they must limit their efforts in future to the mitigation of the system. He had alluded to this part of the subject for the purpose of asking why they did not now act on the plan originally proposed by the Secretary of State for the Home Department? It was proposed in that plan that the punishment should be inflicted on the convict at home; that he should be allowed to earn money during his punishment; that with those earnings he should be allowed to leave the country; and that it should be penal for him to be afterwards found within its boundaries. If such a system were in force, the Australian colonies would not be the only places to which he could go, for the world would be before him free to choose. After repeating his conviction that it would soon be found impossible to carry the present system out, the noble Lord concluded by placing his two petitions on the table.

The ARCHBISHOP of DUBLIN said, that as his sentiments on this question had been communicated long since both to their Lordships and the country, he should not have addressed the House at present, did he not think himself called upon to bear testimony to the excellent working of the penal system recently introduced into Ireland for the reformation of criminals. He would bear his personal testimony to the results of the system he had witnessed in the Mountjoy Depôt recently established in the city of Dublin, partly because it was in his own diocese, and partly because he had occasion to pay it two visits of some duration, when he had instituted a very careful examination into the system pursued there, and the circumstances of which he would briefly mention to their Lordships. He had been invited to visit that depôt with a view of holding a confirmation upon some of the convicts who were confined within its walls—a matter not of very frequent occurrence. He was forced to go to the prisoners, because they could not go to any of the churches in the city of Dublin. Mr. Blacker, the able and excellent chaplain of the depôt, had informed him that there were a certain number of convicts ready to sail for the colonies, who were willing and anxious to receive the rite of confirmation before they sailed. There were thirty or forty of such persons, less than $\frac{1}{10}$th and not more than $\frac{1}{15}$th of the whole number of convicts, the remainder being, as was most likely, in a country like Ireland, Roman Catholics. He was inclined to think from the examination which he had made—and his opinion was corroborated by the report of the chaplain, who was a most trustworthy man—that many of these convicts seeking confirmation had received great benefit from the moral and religious instruction which they had received in the prison. He had examined the whole of the prison on another occasion at a later period; and it then appeared to him that the working of the system pursued in that prison had solved many problems which up to that time had appeared to him to be incapable of solution. The discipline to which the convicts had been subjected appeared to him to have improved their moral and social condition, and not to have interfered injuriously with either their bodily health or with their intellectual sanity. There had been enforced among them a system of continued labour in silence and in solitude; and religious instruction, or at least an opportunity for religious instruction, had been afforded to them all without distinction. The greater part of them left the prison able to read and write, although they did not know a letter when they first entered it. And yet the restrictions had been so complete, that the punishment which the parties underwent, appeared to be a very sharp and severe and intimidatory punishment. Upon the whole the disposition of mind in which the Protestant prisoners were leaving the prison for the colony was such as to lead the chaplain to entertain hopes that the greater part of them would continue in the path of reformation which they had begun to tread—at the same time, that excellent and rev. person regretted—as he (the Archbishop of Dublin) also regretted—that they were going to mix in such society as they were likely to meet in our penal colonies; they were going to a country in which the general mass of the inhabitants were so contaminated that they would have to undergo a more fiery trial than that which the average mass of mankind could stand. The rev. chaplain had, therefore, expressed to him great alarm lest all his labours should prove vain and nugatory. From what he had himself seen of the discipline of this penitentiary, the punishment was sufficient to deter, and sufficiently reformatory as to be the sole punishment requisite to be inflicted on the prisoner, except so far as his subsequent exile was concerned. He should be most gratified were he able to declare that his former expectations on this subject had been falsified, or that his most gloomy predictions had not been fulfilled. Everything which he had heard of late respecting the penal colonies had confirmed his most dismal apprehensions that in such society the convict could not be permanently reclaimed. He should have been happy to be contradicted by the experience of facts, but no such facts had yet come within his knowledge. He could bear witness to the fairness of the examination which had taken place on this subject before their Lordships, and to the total absence of exaggeration in the Reports agreed on by the Committees. He had indeed heard those reports styled "one-sided;" and, in one sense of the word, they were undoubtedly so—for they were one and all unfavourable to the system now enforced in our penal colonies. But if the reports were one-sided, how was it that the witnesses on the other side had not either come forward themselves, or been brought forward by others? The real state of the case was this: the evidence was one-sided, because the facts were one-sided. He had been present at the examination of many of the witnesses; and he must say that from many of them who had come forward to support the present system, evidence had been wrung, manifestly against their will, in utter condemnation of it. In conclusion, he observed, that so far as the Mountjoy Depôt was concerned, the difficulty of finding a substitute for transportation had been overcome.

Earl GREY said, that he should not enter into the general question of convict discipline, but should confine his remarks to three or four points which had been touched on in the speech of his noble Friend opposite, and to which he thought the attention of their Lordships ought to be drawn. Let him remind the House that on this most important and difficult subject neither his noble Friend opposite, nor the right rev. Prelate who had just addressed them, had attempted to set aside the conclusion as to the necessity of continuing to remove convicts from this country to which their Lordships had come upon this subject a short time ago, with a very general concurrence of opinion. Let him also remind their Lordships that this conclusion was founded on the acknowledged fact that the convict, under whatever system of punishment was adopted, must, if left in England when his punishment was over, be placed in circumstances which led to his relapse into crime almost as a necessary result. The noble Lord who had been his predecessor in office had called the attention of their Lordships to this fact, that there had been repeated instances of convicts discharged from the penitentiaries who had been anxious to lead a reformed life, who had gone to some distance from their former haunts, and had there worked honestly and industriously without crime—who after some time had been found out by their former associates in crime—who had been threatened with discovery and exposure by those associates, if they did not co-operate in their designs of plunder—who had been driven by such threats to steal money from their employers—and who had been thus driven back, in spite of themselves, into the vortex from which they had escaped. Instances like these must repeatedly happen in a country like ours, where the market of labour was generally full, and where the preference, therefore, in the general competition for employment would always be given to those who had never fallen under the sentence of the law, over a man who had once been convicted of crime, so that the latter was placed under a disadvantage which made it scarcely possible for him to retrieve his character and gain an honest subsistence. He would next call the attention of their Lordships to the theory of the present system of convict discipline. That theory was to inflict a severe amount of punishment on the convict at home, in the first instance; and, in the next, removal or banishment to a colony abroad, where he was placed in a position in which a new career was open before him. Now, how had that theory been carried into practice? The most rev. Prelate had just told them that the prisoners in the Mountjoy Depôt had found the system both penal and reformatory. Now, the system enforced in that depôt was founded on the model of the Penitentiary at Pentonville. All the experience which they had yet had of that establishment showed that it had produced this effect. He believed that the system of separate confinement was greatly dreaded by the convict—he believed that it produced a strong impression on his mind—he believed that, to a certain extent, it softened his mind, and produced a disposition to receive the moral and religious instruction which they had opportunities of gaining. But there was one circumstance connected with that system which must never be kept out of view. Experience showed that it had, when long continued, a serious effect on the health of the convict. Dr. Fergusson and Sir Benjamin Brodie, who had both watched with great attention the progress of the experiment, had concurred in reporting that eighteen months was the utmost period during which human nature could stand up against the stern and severe system of separate confinement. During those eighteen months it was necessary that the convict should be watched closely, both by the chaplain and by the surgeon of the prison, lest his mind or body should break down under the discipline to which he was exposed. Twelve months, in the majority of cases, was as long a period as human nature could support it. Now, their Lordships must be aware that there were many crimes approximating very closely to capital crimes in extent and enormity, in which it was quite impossible to let off those who had committed them with merely twelve or eighteen months' imprisonment. Something more was necessary to be inflicted to support the authority of the law, and for the general order of society. What you are now doing is the best that can be done under such circumstances. When the system of separate imprisonment came to an end, the mind of the convict was generally softened. He was then removed, either to Portland, or Gibraltar, or Bermuda, and was employed in what was called "associated labour." He did not know whether many of their Lordships had visited the establishment at Portland. He had visited that establishment himself, and, though the inspection was painful, since it was always painful to see a number of men suffering severe punishment brought upon them by their crimes, it was at the same time, in another point of view, gratifying. The good conduct of the men, the discipline carried out with little severity, the amount of useful labour performed under such circumstances, was highly satisfactory. The convicts in that establishment were trained up to labour of the most useful description. By the expectation of shortening the period of their labour, a great stimulus to exertion was given them; and it was found in consequence that when the convicts were ill they were most anxious to go out as usual with the working gangs, instead of shirking from work, as was usual in the ordinary prison hospitals. He would give their Lordships a striking instance:—When he was at Portland, he saw a man who had been seriously injured by the falling of a stone where he was working, and who had been obliged to go into the hospital in consequence; and yet that man, instead of skulking from his work, showed the greatest anxiety to resume it as soon as possible, and was, at his own desire, and before he was perfectly recovered, permitted to go out and resume labour. What, after that, was the next step? They were then removed to the colony with tickets of leave. The noble Lord had objected to that step, and said, "Why not let them go out as exiles free from all restraint, and divested of the character of convicts? Such had been the original view of the subject adopted by Her Majesty's Government; but experience had shown that it could not be acted upon with advantage. It had been found not only that there were practical difficulties in removing convicts from this country in the character of free emigrants, but also that when this could be accomplished, the result with regard to the conduct of the men was unfavourable—that, after having been under a strict system of discipline for so long a time in this country, when they were at once made their own masters, and were freed from all control, they were unable to withstand the temptation of their altered circumstances, and which liberty and the renewed association with their old companions threw in their way, and many who had formed the best resolutions relapsed into their old courses. They were sent out, therefore, with tickets of leave; and the effect of that was that they might be dispersed to remote parts of the colonies. In many parts there was a great demand for shepherds and stockkeepers, who would be scattered over a wide extent of country. The free emigrants did not generally like that employment, because it removed them from the neighbourhood of the towns; but to the convicts it was particularly well adapted. His noble Friend said that he had seen no reason in the reports sent home for believing that the system worked well. The reports were not of a very favourable character; but he thought this might be explained, that the convicts to whom these reports applied had been sent out before the system of punishment had been matured and properly carried into effect. At first, undoubtedly, the means did not exist for carrying out the punishment properly in this country—separate cells were not to be had, nor were there establishments like Portland to send the convicts to. Originally, therefore, the convicts sent out did not succeed so well as those who had gone since; and it was the want of these disciplinary establishments in Ireland which explained the passage which had been referred to in a despatch which he had written, in which it was stated that with the Irish convicts the system had not succeeded; but he hoped that the establishments at Mountjoy and at Spike Island would remedy this for the future as far as Irish convicts were concerned. There were two points of which the noble Lord specially complained. In the first place, the noble Lord said that a promise had been made by the Government to Van Diemen's Land, which had been broken. He (Earl Grey) had already explained that once; but after the observations of the noble Lord, he felt it his duty to do so a little more fully than he had done upon a former occasion. And, in the first place, he asked their Lordships whether, upon the showing of the noble Lord himself, it was not quite evident, as he had before stated, that no promise whatever had been made to Van Diemen's Land that had been violated? In September, 1846, shortly after he had accepted office, he made known (as the noble Lord had said) to the Lieutenant Governor of Van Diemen's Land that he could give him no information as to the system to be finally adopted until the decision of Her Majesty's Government and of Parliament should have been pronounced. Well, a few months after that, the noble Lord said, the views of the Government were embodied in a most elaborate official letter, written by his right hon. Friend the Secretary of State for the Home Department, and addressed to him (Earl Grey). That letter contained the views of the Government, and it said, it is not the *present intention* of the Government that at the expiration of two years, transportation to Van Diemen's Land, as hitherto carried on, should be resumed. Certainly these words seemed to him very carefully to exclude the notion for a promise for the future; and the letter in which they occured was laid before Parliament, and transmitted to the Lieutenant Governor of Van Diemen's Land as an authentic explanation of the views of the Government. What he (Earl Grey) complained of was, that isolated passages were taken apart from the context; and their Lordships would see from what followed, and from the whole letter, that it formed an essential part of the system of punishment then proposed to be adopted, that ultimately convicts were to be removed from this country to the colonies, and, amongst other colonies, to Van Diemen's Land, though it is true it was then intended they should go as exiles, and not under coercion. The Government were most desirous that of these persons a few only should be sent to Van Diemen's Land; but that they should go to any other country that was willing to receive them. But this it had been found practically impossible to accomplish; and this reminded him how greatly the noble Lord was in error when he said that Government might do what they pleased in the matter, as so few persons took any interest in it that Parliament did not interfere. Why, if there were one subject more than another in which the Executive Government carried out the views of Parliament, and was controlled and overruled in the measures it proposed, it was this very subject of transportation; and the very change of plan now adverted to was an instance of the kind. Their Lordships might remember that when the plans of Her Majesty's Government were made known in 1847, much objection to them was expressed in both Houses of Parliement, and a Committee of that House had been appointed, which, after a full inquiry, reported strongly against the discontinuance of transportation as a punishment. Shortly afterwards representations came from the colonies that convicts ought not to go there as exiles, but rather under some species of modified control. Difficulties also arose in sending them, as had been intended originally by the Government, to as many different colonies as possible, and not in the character of convicts. As to this difficulty the House might remember an amusing speech made by a noble and learned Lord, who was now abroad (Lord Brougham) in which he described the manner in which a convict who attempted to go to the United States would be "nosed out," and rejected from the company of free emigrants. There had recently been an illustration of this fact. In Bermuda it had been the practice to give the convict a free pardon after a certain time if he behaved well, upon condition that he should leave the country; he might go where he pleased, but he must not remain in Bermuda. Some of these men lately worked their passage in a ship to America; but on arriving at Boston or New York they found themselves met by a law that any shipowner taking men to that country who could be proved to have been under punishment as convicts should be subjected to a very heavy fine, unless he took them back again. These men were brought back to Bermuda, and a claim had even been preferred to have their passage paid. Though he agreed, then, with the noble Lord to a great extent that it would be most desirable to disperse these men, and to send them all over the world, so as to get rid as far as possible of their convict character, yet that had been impracticable for two reasons: first, because Parliament did not approve of it; and, secondly, because neither in the United States, nor in our own Colonies, nor elsewhere, would they be received. Then the question arose what were they to do? It was obvious that it was the duty of Her Majesty's Government to defer to the wishes of Parliament, and continue to remove convicts to the only colonies which were open for their reception; hence the necessity, which he greatly regretted, of sending of late so many to Van Diemen's Land; but his firm belief was that this difficulty was only of a temporary character, and that in a very few years, if we were as careful as we ought to be in improving penal discipline at home, we should have those very Australian Colonies, which were now so averse to receiving convicts, contending with each other which should have the great advantage of possessing them. The opinion of the colonists themselves had not been very consistent or settled upon the subject. Some of the principal names which were now appended to the petition which the noble Lord presented had been also signed to a petition presented to Parliament in 1839, when the discontinuance of transportation was proposed, stating that it would be the ruin of Van Diemen's Land. Nor was that all. He had received lately from a gentleman in Moreton Bay copies of newspapers of a very recent date, from which he found that there had been a great public meeting held there at which an almost unanimous opinion was expressed upon the part of the "squatters," as they were called, or great sheep farmers of that country, in favour of the resumption of transportation; and they were going to petition Her Majesty to divide the colony, that they might again have the advantage of those labourers; and it was most remarkable that one of the gentlemen who took part in the proceedings of the meeting declared, that, having formerly been opposed to the settlement of convicts, his views had been altered by the very good conduct of the men recently sent with tickets of leave to that part of New South Wales, after having gone through the system of penal discipline now established. He had within the last few days been shown a most interesting private letter from Western Australia, describing the manner in which the commencement of the experiment of removing convicts to that colony had succeeded. In the first place, upon the material interests of the colony it had produced a most extraordinary effect. Western Australia, owing to the errrors of the system on which it had been founded, had being going down, year after year, and had arrived at last at so low a state of depression that the writer of the letter referred to stated that he believed that in another year, had it not been for the arrival of the convicts, the colony would have been altogether abandoned. Instead of that being the case now, however, he was told that the barren sand at Freemantle—the water frontage—was actually selling at the rate of one guinea per foot to persons who were going to take advantage of the supply of convict labour which had been brought there by the system of transportation. Those men upon their arrival had excited the astonishment of the colonists by their correct behaviour. They had been sent out to pass a very short period of punishment under the Government, and then they were to obtain tickets of leave, and he understood that those who had obtained tickets of leave had conducted themselves in the most satisfactory manner. He believed that this system would give important new outlets for convicts from this country, and that it would also have the effect of establishing in a very few years a thriving and flourishing community in a place singularly favoured by nature, but which from the want of labour and other disadvantages was in an exceedingly languishing state. The report which he hoped soon to lay upon the table of the House would show the progress of this measure; and he was sure that their Lordships would not read that report without the greatest satisfaction. While he stated these reasons in favour of the course that had been taken by the Government, he was bound to add that he did deeply lament the necessity which had been imposed upon them of sending so large a number of convicts to Van Diemen's Land. He felt that the success of the policy determined upon did in a great degree depend upon the dispersion of the convicts as widely as possible; and he greatly lamented that, under what he thought a misconception as to their own true interests, the other Australian Colonies had compelled the Government to send a larger proportion than was desirable to Van Diemen's Land. At the same time, there were no measures which it was in the power of the Government to adopt that had been neglected, with the view of reducing, as far as possible, the number sent to Van Diemen's Land, and of making the sending even of that number as little injurious as possible to the colony. He was happy to inform the House, that in the next six months the number to be sent out would not, he hoped, exceed half those sent out in the last six months of 1850; and if the progress in Western Australia should be as favourable as he anticipated, he believed that there would be an increasing field in that very extensive colony for the employment of a large number of convicts. Measures had also been adopted at a very considerable expense to the country (which in this case he thought they were bound not to judge), which he had already had occasion to explain, calculated, as he believed, to counteract the evils which might otherwise arise from sending convicts to the colonies which received them. At the same time he was bound to express his strong opinion that Van Diemen's Land had no right to expect that sending convicts thither should be discontinued until it could be done without serious inconvenience to the mother country; for, let their Lordships consider the state of the case. Van Diemen's Land was a colony which owed its creation to the penal system. With its inferiority in many respects to Port Phillip and the adjoining territories, the much greater expense of clearing land, and other difficulties in the way, it could never have made any considerable progress for many years to come but for the convict system. It had been the establishment of the convict system which had created the whole wealth and material prosperity which now existed in the colony. Van Diemen's Land possessed what scarcely any other colony possessed —roads equal to the roads in this country. He need not tell them that facility of communication was, perhaps, of all the instruments of civilisation the most powerful. It possessed, also, advantages in the supply of skilled labour, of which, in the great building that ornamented Hyde Park, their Lordships might see the proof, for, considering its population, it made a better show in that Exhibition than any other colony that we possessed. Some of the specimens of work in wood from Van Diemen's Land reflected the greatest possible credit on so young a community. He believed that that colony was likely to make very great progress; but, having had all the advantages of the penal system, the inhabitants of Van Diemen's Land were not entitled to turn round upon the mother country and say, "This system shall be discontinued precisely at the moment that shall suit us, without any reference to your convenience." That appeared to be a pretension upon the part of Van Diemen's Land which was utterly unwarrantable; for while it was the duty of the Government and of Parliament to consult the interests and advantages of Van Diemen's Land as far as possible, at the same time it was only justice to the people of this country that their interests also should not be lost sight of.

The Bishop of SALISBURY said, his object in rising was to answer the question of the noble Earl the Secretary for the Colonies, who had asked whether any of their Lordships had had an opportunity of visiting the convict establishment in the isle of Portland. He (the Bishop of Salisbury) had been there, and he was happy to give his testimony in accordance with that which the most rev. Prelate (the Archbishop of Dublin) had given with respect to the prison establishment in Ireland, in which it was intended, in like manner as at Portland, to carry on the second part of that reformatory process of which the first part was intended to be effected at Pentonville, and other prisons of that kind. At the time that he visited the establishment at Portland there were about 800 men there, many of whom had been guilty of very grave offences, and it was impossible to see them engaged as they were in works of industry without being led to hope for their future reformation, which everything in that establishment seemed calculated to foster and promote. At the time of his visit they were returning from their outdoor labour, in excellent order, with cheerful countenances, and with a general appearance which showed that proper care was taken of their bodily condition. He saw them at their evening meal, and enjoyed the pleasure of being present at their evening devotions, at which, at the request of the chaplain, he addressed to them some words of exhortation. Their demeanour was that of a well-behaved Christian congregation, and such that he could not but hope they were in some measure sensible of the improving influences under which they had been placed. Nevertheless, he should belie his own convictions if he were to say that he himself entertained any very sanguine hopes of a general reformation of criminals of mature years. He believed that their permanent improvement would always be comparatively slight—it was upon young and tender minds that they might expect to operate with the greatest success; but if a blessed change should take place only to a comparatively small extent, he thought they ought to be thankful for it, and consider all the pains by which it had been brought about well bestowed. The great danger attaching to the establishment at Portland appeared to him to be that (unless, indeed, care was taken to make the convicts first pass through a severe discipline at Pentonville) it was not sufficiently penal to act as a terror to the evil-doer. And this, no doubt, was a great difficulty; for it was hard to combine such treatment as would make the prison a real punishment, with the means best calculated to bring about a reformation of the criminal; for he thought that gentle means were best adapted for working a Christian reformation in a criminal, by calling forth a feeling of hope and of resignation to his situation. He had no doubt that the plan on which the Government were now acting on the subject of secondary punishment would meet with much opposition, on account of the strong feeling which had been excited in the Colonies on the subject of transportation; and there were undoubtedly evils connected with it; but their Lordships should remember that the whole condition of humanity lay in the choice of evils. He thought, therefore, that the noble Lord, who had dwelt so strongly on the evils of the present system, was bound to point out a remedy by which the difficulties that had been experienced could be more satisfactorily dealt with. To point out the former was comparatively an easy task; but the latter was one surrounded by many and great difficulties.

The BISHOP of OXFORD wished to say a few words upon that very important and difficult subject, which was one that had for a long time greatly interested him, and upon which he had been permitted on a former occasion to address their Lordships. He, for one, felt great gratitude to the noble Earl, and to those who acted with him, for the great exertions they had used in dealing with this difficulty. Four or five years ago, he (the Bishop of Oxford) took the liberty of pressing upon their Lordships, in the then state of the question, the importance of making the punitive part of convict treatment take place, as far as possible, at home, rather than administering it abroad. He thanked the noble Earl for having, to a considerable degree, carried out that suggestion, and for having made the strict and severe part of the punishment be felt at home rather than in the Colonies. But much of what the noble Earl had said to-night had given him (the Bishop of Oxford) the deepest pain, because he seemed to have drawn back from the high view of this question he had taken formerly, until he had been led to shut his eyes to the great and prominent objections to the present system, and to look only at the minor objections, and then, smoothing down those minor objections, to end at length by giving the support of his name, and of his strong sense, to a system the evils of which he had so long condemned. The great and prominent evil of the system of transportation so conducted as to found by it penal colonies, was, that it violated the greatest responsibility which a civilised nation could have entrusted to it—that of planting the earth. For it adopted the plan, wicked and corrupt to the very core, of founding colonies with the basest portion of mankind. No advantage to the material wealth of a new settlement could possibly justify the mother country in shutting her eyes to the enormity of this evil, which fostered temptation, nor could she ever be justified in tempting a colony, by affording it such aid, to be its own future destroyer. The noble Earl had quoted an instance of a meeting in one of the great Australasian colonies, at which it was stated that by the help of transported convicts the material wealth of the colony had been increased. But that feeling was not peculiar to the colony alluded to; it had been the characteristic of the Australian colonies from the beginning; and there was a time when those colonies were ready to contest with one another for the first shipload of the spoils of our gaols, and when they actually scrambled for convicts. And why? Because the strong temptation of having the command of immediate labour had made them willing to barter the future evil of moral pollution and degradation of their country for the advantage of present gain. We gave way to their wishes; and what was the result? As soon as their gains were obtained, their roads formed, and, at the same time, the stigma of moral degradation stamped upon the colony, the colonists began to cry out, because they began to perceive that there was an evil greater than could be atoned for by the acquisition of material wealth. And so it would be again. If we founded colonies in which the convict element was strong enough to colour the whole tone of society, and then ministered to the vicious desire of the colonists for convict labour, the result would be the same, because it was not the result of accident, but proceeded upon the deep unchanging necessities of man and of his nature. The noble Earl stated that convicts of good character would be selected to go out to the Colonies, and that they would be sent to places where they could maintain their good character. But no one had better depicted the mischief of sending such convicts to places where they would meet old companions, and be certain to be drawn back into evil habits, than the noble Earl himself. The main mischief of the proposed system was this—if the convict was useful to his master, his master winked at any kind of evil on the part of the convict, as it was convenient to keep him. Therefore, if a convict were sent out with a good character, it was not his good character that would serve him, but his faculty of making himself of use to his master. That would be his real and his only recommendation. The noble Earl said, that Van Diemen's Land had been the creation of the penal system—that it derived its present material prosperity from the penal system—and that, therefore, the inhabitants had now no right to protest against the introduction of convict labour without reference to the interests of the mother country. Now, if it had been right in the mother country originally to found colonies which consisted in their main element of convicts, the noble Earl's argument would have been perfect; but what he (the Bishop of Oxford) complained of was, that the noble Earl left out of sight the great principle that to create penal colonies was a great sin in an enlightened country. And therefore, when a colony appealed to us, and said—"I have at length learned that by deluging me with the worst of your population you are making me degraded—no longer inflict this evil upon me," then, he said, the noble Earl's argument did not apply in the least, for the colony had a perfect right in that case to turn round and say, "You have committed this evil too long, and now I beseech you to commit the evil no longer." To plant colonies composed of the worst men in the community was to set a seed of evil in the earth, which no great nation could be justified in sowing. Be the difficulties what they might in the way of a remedy for the evils of the present system, they must be faced and overcome, and England, once enlightened to what she had been doing, must no longer be led on to perpetrate the wrong.

Lord MONTEAGLE always listened with interest and pleasure to the right rev. Prelate, not only on account of the great name he bore, but because his remarks were always characterised by eloquence and ability. But though he had heard with his usual satisfaction the speech of the right rev. Prelate, he could not entirely agree with all the propositions which he had advanced. If, indeed, all the evils depicted by the right rev. Prelate as resulting from the existing convict system were matters of fact, he should almost despair of society itself. He could not bring himself to believe that what he believed to be made inevitable rather than merely necessary, could be stigmatized as sinful. He would not condescend to argue the question of transportation on so low a ground as that of the increase of material wealth; but he thought they ought not to regard it with sole reference to the Colonies, but in relation to the whole empire, of which the Colonies were a part. Viewed in that light, then, he was prepared to establish upon the reason of the case, as well as upon experience, that transportation when properly conducted was a benefit to the empire at large, to the convicts, and to the Colonies themselves. The right rev. Prelate, in considering the case of a convict, after the expiration of his sentence, had entirely forgotten the distinction which was to be drawn between a country where the labour market was overloaded, and one which was ready to absorb labour to any extent. If transportation were discontinued, what system of secondary punishments would they adopt? They must rely on the imprisonment in Portland and similar establishments—which would then require to be multiplied to an indefinite extent—or else they must provide employment elsewhere for every one of the prisoners whose term of sentence should have expired. Now, the former of these alternatives he supposed was impracticable, and therefore entirely out of the question; and as for the latter he would only ask if any of their Lordships knew a neighbourhood where these extremely well-reformed convicts would find a farmer that would take them into his house? There would always be a suspicion of crime attaching to them, and that undoubtedly led to a very grievous result. It was true that the convicts might probably meet their evil companions in a convict settlement; but at home that probability was changed into a certainty. The machinery by which stolen goods might be disposed of was at hand; that by which juvenile offenders might fall into the clutches of the Fagins — those "funny old gentlemen," as they have been described—who were always ready to turn their attention to their young friends as often as the term of their imprisonment should end, was at hand likewise; and both rendered it extremely unlikely that the unfortunate released prisoners should escape from temptation. In the colonies, however, the circumstances were widely different. Here the labour market was over-supplied by honest workmen; but abroad, labour was sought for with avidity, and hence nothing was more common than to find the sons of convicts—aye, and sometimes the convicts themselves—rising to a high degree of respectability and moral conduct. He knew the case of a man of whom both the clergy and the magistracy spoke in the most flattering terms, and who had filled respectable offices with credit and respect, who had been transported not many years ago. Nothing could in truth be more different than the present system of qualified freedom and the old plan of assignment. The convict used formerly to be assigned to a kind of domestic slavery; but now he was a free labourer, and that, he apprehended, made a very wide distinction. With regard to the prospects of the penal colonies, and more especially of Van Diemen's Land, he admitted that there were many difficulties in the way; but we had brought them all on ourselves by our own recklessness and selfishness. We had neglected the convict, we had disregarded the colonist. We had sought our own interests only, and we are punished, and deservedly. Nevertheless, he maintained that the country had no other alternative; and in proof of his assertion he referred to the astonishing and interesting monument of skill and industry contained in the building recently opened in Hyde-park. Did they think that if they had turned loose upon society 30,000 convicts, even as carefully reformed and trained as they were twenty-five years ago, when the chaplain of the hulks stated regularly in his yearly report to the House of Commons as a moral test of progress, the number of convicts who had learned to repeat the Thirty-nine Articles—did they think it would have been possible to witness the spectacle of calm order at the opening of the Crystal Palace, when there were assembled 500,000 spectators, if they had included 30,000 *forçats?* In fact, it would be impossible to carry on the Government of England unless the Executive authorities retained the power of expatriation. This was no justification, however, for our present vicious system. The condition of Van Diemen's Land, left as the exclusive receptacle of all our convict population, was not to be defended. It was a crime, and it had led to a spirit of resistance that was inevitable. The excitement produced in the Colonies had been very great—as great, perhaps, as that produced at home by Catholic Emancipation, Reform, or even Papal Aggression; and it had been produced chiefly by the despatches of Lord Grey, the letter of Sir George Grey, and the speech of Sir William Denison, who had been acting under the supposition that they had the means of abolishing transportation. The result, however, had been to produce in the minds of the colonists a feeling that it was degrading to receive convicts, and hence the agitation which had taken place. The fearful events at the Cape, the successful results of a resistance amounting to insurrection, had increased all this mischief; and the whole was exaggerated by the over-coloured picture of the social condition of New South Wales. From evidence of the best possible character—he spoke of the Bishop and of the late Governor of Sydney — that colony would stand a competition with any other colony with regard to moral character. It began with convicts, it is true, and had every disadvantage to struggle against that Van Diemen's Land had to complain of; and yet, from the vigour and expansive force of the British character, the people of Sydney had cast off that state of degradation, and could now stand in competition in moral character with any other colony. The noble Lord concluded by asking if it was intended to resume the hulk system?

The **Duke of ARGYLL** expressed his satisfaction at the argument with which the noble Lord who had just sat down commenced his speech. He could not quite agree with the right rev. Prelate in the very strong and extreme ground which he took, that we had no right to export our criminals at all. But although he could not agree with the right rev. Prelate, he disagreed still more with the noble Lord, when he stated that the system of transportation was inevitable, and because inevitable that it must be right. In the first place, that was a false argument; and, in the second place, it was not true that transportation was inevitable. The arguments of the noble Lord—he did not mean in a personal or invidious sense—were of a selfish kind. They related to the inconvenience, he would rather say the moral evils, which we should suffer by keeping the convicts in this country. We could keep these convicts at home if we chose. He contended that it was on a balance of the convenience and inconvenience which must result to us and to the Colonies, that they must decide this question. He considered that the objections to sending the convicts to the Colonies, notwithstanding any reformatory discipline to which they might be subject, were some of them as strong almost as the objections to keeping them at home. He was not himself so thoroughly convinced of the high moral state of these Colonies. He happened to be intimately acquainted with a rev. gentleman, Mr. Lilly, the Presbyterian clergyman of St. Andrews, Hobart Town, who a few years ago wrote to him, stating that he was on the point of leaving that colony on account of its immoral character. The arguments in favour of transportation began with stating the conveniences to the mother country, and then went to the advantages it conferred upon the colony. The colonists themselves, however, were the best judges of the advantages to them; and, except where they could not otherwise procure labour, they had unanimously repudiated it; and in all those colonies where they had strength enough to resist it, Government dare not attempt to follow it up. The consequence was, they would soon be able only to send convicts to those colonies who could not resist their arbitrary power. The Cape was a case in point. As transportation thither was only for a temporary purpose, he thought Government ought to have carried it out with a high hand, and have supported it even by military force if necessary. At the same time he admitted there were strong objections to it; and as the Colonies rose in power and influence, we should be unable to continue the system.

The **Bishop of OXFORD** explained that the whole of his argument was based on the idea of a given colony to which their convicts were to be transported in such numbers as that they formed the greatest portion of the people. When he described the system of transportation as a wicked system, he was quoting from Lord Bacon, who said "that it was a wicked thing to plant the earth with the basest of mankind."

Lord WODEHOUSE said, according to the last returns, the state of Van Diemen's Land was this—there were 70,000 persons altogether, of whom nearly 23,000 were actually convicts, besides emancipatists and expirees. It was to that state of things that the objection applied. He hoped that Government would consider the state of feeling in Van Diemen's Land, and the state of feeling which was growing up in our Australian Colonies, and that they would take measures to put an end to the system.

Earl GREY said, his noble Friend (Lord Monteagle) asked whether the system of hulks was to be resumed. It had never been discontinued. He wished it was possible, as a floating prison was necessarily a bad one; but they could not create a substitute for the hulks in a day. They had hitherto had them at the dockyards and at Bermuda, but they wished to get rid of them as fast as they could. There was a very large prison in the course of erection in Bermuda, to which the convicts would be transferred as soon as it was completed. In this country the associate labour which he had described as the secondary punishment would always be performed by convicts; but until the prisons were prepared, it was absolutely necessary to continue the hulks. No prisoners now went straight to the hulks. All prisoners who were able to undergo punitive treatment were made to undergo it for a shorter or a longer time; then they went to the associate labour which he had described. The noble Duke stated that the accounts he received from Van Diemen's Land five or six years ago were most distressing. He entirely agreed with him, and that state was a proof that Parliament should not interfere. The evils in Van Diemen's Land mainly arose from the Address in the House of Commons not to send convicts to Australia; and then convicts were sent in immense numbers to Van Diemen's Land, without proper arrangements being made. He must still repeat the opinion he had before expressed that this was a question of comparison, of comparative amount of moral evil which would be created by one system or another. He was firmly persuaded that the system now in operation was that which led to the least evils, because they knew that in the Colonies the great majority of those who were sent out as convicts, though they might not be improved in heart, were, at all events, improved in conduct; and a very large proportion of these men were now, instead of resorting to dishonest practices, honestly earning their subsistence.

Petitions ordered to lie on the table.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 9, 1851.

Minutes.] Public Bill. — 1ª Universities (Scotland).

THE DANUBIAN PRINCIPALITIES AND THE HUNGARIAN REFUGEES.

Mr. URQUHART begged to ask the noble Lord the Secretary of State for Foreign Affairs a question, of which he had given notice, with respect to the delay in the evacuation of the Danubian Principalities. About six weeks ago, he asked the noble Lord whether any understanding had been come to between the Turkish and Russian Governments with respect to the withdrawal of their troops from the Danubian Principalities. The noble Lord then stated that no conditions had been come to between these two Powers, because a treaty made about two years since provided for the withdrawal of the troops whenever tranquillity should be restored, and that by a convention between these Powers a body of the troops which had occupied the Principalities should remain on their frontiers for a certain time, in order to enter the Danubian Principalities again, if fresh disturbances should break out there. He wished to know whether the stipulations to which the noble Lord had referred were a part of the treaty as published to the world, or were secret conditions annexed to it? The noble Lord had also stated on a former occasion that the English Government supported the Porte in a desire to set free the Hungarian refugees; he therefore wished to ask his Lordship whether it was true that after a conference held between the English and French Ministers at Constantinople with the Government of the Porte, it had been decided to prolong still further the confinement of the refugees?

Viscount PALMERSTON: I am not aware of any concert between the Turkish and Russian Governments with regard to the Danubian Principalities, except the treaty to which reference has been made, and the contents of which were published to the world. There has, however, been frequent communications between the Turkish and Russian Governments with regard to the period of the evacuation of the Danubian provinces by the Russian and Turkish troops; and the last account I have received with respect to that evacuation was by a despatch dated 17th of April, which stated that a certain number of Russian troops had already commenced retiring from the territory in question, and it was expected that in about a fortnight from that time the whole or the greater part of the Russian troops would have evacuated Wallachia. It was understood also that the evacuation by the Turkish troops would take place simultaneously with that by the Russians. When I state that the Russian Government proposes to keep a force on the frontier in order to be ready in case of a fresh emergency, of course it must be assumed that any fresh occupation of the provinces will be the subject of a fresh communication between the two Governments. With regard to the liberation of the remaining Hungarian refugees, I am concerned to say that, as yet, the endeavours of the English and French Governments to obtain their liberation has not been successful. It is not true, however, that there has been a meeting between the English and French Ambassadors, and the Turkish Government, which has resulted in the British Government acquiescing in any arrangements for the continued detention of the refugees. By the last accounts from Constantinople, I understand that the Turkish Government had not decided upon the immediate release of the refugees, and that it was proposed that some longer period of detention, whatever that might ultimately be, should be enforced, as the result of communications which had passed between the Governments of Turkey and Austria.

THE FRENCH OCCUPATION OF ROME.

MR. T. DUNCOMBE wished to ask the noble Lord the Secretary of State for Foreign Affairs whether Her Majesty's Government concurred in the prolonged occupation of Rome by the French army; and if he could inform the House when the French troops were likely to be withdrawn? The professed object of the French occupation was to prevent a reactionary revolution on the part of Austria, and to secure to the Roman citizens good government. One of the principles of the constitution of the French Republic was that of respect of the nationality of other countries; but very nearly two years had now elapsed since forcible possession of Rome was taken by the French; and he asked the noble Lord whether he considered that good government had been given to the Romish people? The prisons were crowded with political prisoners, and the Inquisition was in full operation. He hoped to hear from Her Majesty's Government that they did not concur in this continued occupation of Rome, and that they washed their hands of this tyrannical intervention.

VISCOUNT PALMERSTON: The occupation of Rome by the French troops was a measure undertaken by France upon her own discretion and upon her own judgment. The British Government was no party to that measure, France having exercised her own independent rights in regard to it, and it not being at all necessary that the previous concurrence of the British Government should be obtained. The British Government, therefore, was no party to that measure, and, consequently, it is not correct to say that we concurred in it. We might have had an opinion upon the subject; but it was a matter in which we had no right to interfere one way or the other. My hon. Friend asks me if it is my opinion that the result of that occupation has been to establish good government in Rome? I am concerned to say that I cannot answer that question in the affirmative; because it is well known that the state of Rome, and the internal condition of that city, and of the Roman States, is such as must be painful to every wellwisher to the people of that country. With regard to the prolongation of that occupation, there have, undoubtedly, been friendly communications between Her Majesty's Government and that of France. Her Majesty's Government cannot be blind to the consideration that, the French having once occupied Rome, the withdrawal of the French garrison would probably lead to the occupation of the city by other parties; and it does not follow that that would be a change advantageous to the people of Rome, or to those general interests which the British Government must necessarily have at heart, as connected with Italian and European interests. The French Government plead now, as they pleaded then, that they had no intention of a permanent occupation; and they must be left to judge for themselves as to the period at which that occupation may cease consistently with the objects in view—objects which are disinterested ones, as far as France is concerned, for she never professed to have in view any territorial acquisition by that occupation. The French Government have assured us that, as far as any influence goes which they may be at liberty to exercise in Rome and with the Roman Government by reason of that occupation, that influence has been exerted for those objects which the French Government, as well as the English Government, necessarily think most desirable to be attained.

PROPERTY TAX BILL.

Order read for considering the Property Tax Bill, as amended.

The CHANCELLOR OF THE EXCHEQUER: Sir, I wish to make a statement which I certainly would have deferred until after the Amendment of the hon. and gallant Member for Lincoln (Colonel Sibthorp) was moved, were it not my intention to propose a clause which I think will render that Amendment unnecessary. I intend to bring up a clause referring to a question which, to a certain extent, was discussed by the House on a former occasion, namely, giving the right of appeal to the occupying tenant in the event of his profits not being equal to the amount for which he was assessed. When I last addressed the House, I certainly thought and felt that when, in concurrence with the general wish of the House, and the proposal of the hon. Gentleman the Member for Montrose (Mr. Hume), the Motion was acceded to limiting the duration of the Bill to a single year, and providing that a

Committee should be appointed to consider the modifications that might be made in case there was any future renewal of the Bill, that it would be renewed in its present shape for this year, and that no alteration or amendment should be made in the measure in the course of the present Session. That seemed to be the general impression when the subject was first broached on the last occasion, and I thought that it would be adhered to. I have, however, received so many representations on the subject of the tax paid by the occupying tenant, that since the time I last addressed the House I have been in communication with the officers of Inland Revenue, for the purpose of ascertaining whether some right of appeal might not be given to those persons without affecting the general principle of the measure. And what I propose to do at present is, to bring up a clause which I think will carry into effect substantially the object, so far as the occupying tenants are concerned, of the hon. and gallant Member for Lincoln, the hon. Member for North Warwickshire (Mr. Spooner), and the hon. Gentleman behind me, the Member for Salisbury (Mr. Chaplin). I think the present arrangement for making the assessment is a beneficial arrangement for the tenant-farmers, and that it would be very unwise on their part to ask us to depart from it; but I do not see the same objection to giving them the same right of appeal that has been conceded to parties who are assessed under Schedule D. I don't propose to put them into Schedule D. I propose that they should be assessed as they are at present, but that at the end of the year, they should be at liberty, if they think it worth while, to appeal against the assessment, and appear before the Commissioners; and if they can then satisfactorily prove that their profits are not equal to the amount for which they have been assessed, they will receive relief to whatever extent they can satisfy the Commissioners they are entitled to it. I am not prepared, however, to make this concession in the cases of gentlemen occupying their own farms. There would be no great difficulty, I apprehend, in any gentleman farming his own park to show that he derived no profit from it. I suppose the experience of other gentlemen coincide with my own on this point; and I do not expect to receive profits under such circumstances. They are not the parties for whom relief is sought; but the parties seeking relief are those who earn a livelihood by the land. I am prepared to give them relief, but not to extend the relief beyond them. The words of the clause are taken from the 133rd clause of the existing Property Tax Bill, with some words taken from former Acts. The clause is to the effect that, if at the end of the year of the assessment under this Act, any person occupying land for the purposes of husbandry only, and obtaining his livelihood principally by it, and assessed for such year for the duty chargeable under Schedule B, shall prove to the satisfaction of the Commissioners that his profits and gains fall short of the sum on which the assessment was made, it shall be lawful for the Commissioners, on an appeal made in three calendar months after the expiration of the year, of which notice shall be given to the surveyor of taxes, to order an allowance to be made on the amount charged proportionate to the deficiency in the profits. I now move that the clause be read a first time.

Colonel SIBTHORP said, they were told on high authority that there was more joy over one repentant sinner than over ninety-nine righteous. He had to express satisfaction that a measure should have been taken on the part of the Government which would tend to allay the feelings of irritation that had arisen among agriculturists with respect to the mode of assessing them to the property tax. He would not then press his Amendment, but would not be debarred of the opportunity of bringing it forward at a future period if necessary.

Mr. DISRAELI said, that he must congratulate his hon. and gallant Friend (Colonel Sibthorp) on attaining the object he had so ably and indefatigably pursued. The Government had assented to the proposition for the relief of the tenant-farmer with great good sense and great good feeling. So far as he (Mr. Disraeli) could catch the language of the clause, it appeared to him to meet the difficulties of the case; and, therefore, he trusted his hon. and gallant Friend would not have any necessity for again bringing the subject before the House. The present was an additional instance in which his hon. and gallant Friend had shown himself the able and successful champion of the interests of the tenant-farmer.

Mr. CHAPLIN could not suffer the matter to pass without acknowledging the condescension of the hon. and gallant Member (Colonel Sibthorp) in adopting his (Mr. Chaplin's) words in his amended proposition. He could not sit down, however, without expressing his entire satisfaction at the manner in which the right hon. Gentleman the Chancellor of the Exchequer had extricated the subject from the difficulties in which it had been entangled. He hoped the hon. Member for Dorsetshire (Mr. Bankes) would now give him (Mr. Chaplin) credit for sincerity in bringing forward his Motion.

MR. ALDERMAN THOMPSON begged to ask the right hon. Gentleman the Chancellor of the Exchequer if he would allow the persons assessed under Schedule B to compound on the average of the last three years?

The CHANCELLOR OF THE EXCHEQUER: The proposition is limited to one year, and there can be no composition for one year.

MR. ALDERMAN THOMPSON: The question I ask is this, will you insert a proviso authorising persons who have compounded for three years to exercise the option of being assessed according to the average of the preceding three years?

The CHANCELLOR OF THE EXCHEQUER: The new assessment will be on the average profits of the last three years.

MR. MASTERMAN said, that the object of the question was to ascertain whether parties who had compounded would be required to make any fresh returns, or whether they would not be allowed to pay as when last assessed.

The CHANCELLOR OF THE EXCHEQUER replied that a new assessment would be made under the new Act.

MR. SPOONER wished to ask the right hon. Chancellor of the Exchequer whether he could not insert words to bring the class of yeomen occupying small farms of their own, and living entirely thereby, under the operation of the clause he had proposed. There was another obervation he wished to make. The clause, he knew, was taken from an old Act; but he doubted whether the words were quite correct. It was directed that the appeal should be made to the Commissioners by whom the assessment was made; but that was different from another provision of the Bill by which it was directed that no Commissioner who made the assessment should sit on the appeal cases.

The CHANCELLOR OF THE EXCHEQUER said, his hon. Friend would see that a small yeoman could hardly be considered a person having a farm the rental of which would be 300*l.* a year. The words he (the Chancellor of the Exchequer) had adopted would provide for the case where the party earned his livelihood by farming.

MR. BRIGHT could not help complimenting the right hon. Chancellor of the Exchequer on the facility with which he had proposed this alteration in the Bill, seeing that within the last few days he had expressed an opinion that the Bill was nearly perfect, and that no valuable alteration could be made in it. He wished to call the attention of the right hon. Gentleman to a point which, he was afraid, was not generally understood. There was a very considerable difference between the mode in which farmers were taxed under this Act, and persons in trade. Both modes were, he believed, somewhat inconvenient to persons who paid the tax; but the difference was this, that farmers were never liable to be surcharged. They were not liable to be charged above a certain sum, which they knew, and which in an ordinary run of years everybody would admit to be a moderate charge upon the ordinary profits of farming. ["No, no!"] He would not go into that question then. But it could be easily shown that, taking the amount of capital a farmer employed on 300 acres of land, he must have made, during thirty years, under the system of protection, a much larger income than that which became chargeable to the income tax. The farmers were not charged on more than 150*l.*, if the rent was not more than 300*l.* But if in addition to that the occupiers of land were to have a right of appeal, their position was better than that of traders under Schedule D. If a farmer paying a rent of 300*l.* a year made a profit of 200*l.* a year, according to the present system he would not be charged on more than 150*l.* He had a right of appeal if he made less than 150*l.* a year; but the Government had no appeal against him in case he made more than that sum. He (Mr. Bright), therefore, asked the right hon. Chancellor of the Exchequer to take that matter into his consideration.

MR. CHRISTOPHER said, the hon. Member for Manchester was quite mistaken in supposing that tenants were never surcharged. He had met with two instances of surcharge in his own county (Lincolnshire). Tenants were charged higher than the rents which they actually paid, and encountered much trouble and vexation in their efforts to obtain a reduction.

MR. BRIGHT thought the surcharges

must have arisen from some mistake as to profit.

Mr. J. E. DENISON said, when this arrangement was originally proposed, as matters then stood it was a favourable one to the occupying tenant; but since that time there had been an interference by law with that state of things. That change had materially interfered with the immediate profits of the occupying tenant, and therefore the Chancellor of the Exchequer proposed, for this year, to give this right of appeal under the circumstances which he had stated. He (Mr. J. E. Denison) thought the proposition was a just and equitable one, and that his right hon. Friend the Chancellor of the Exchequer had not rendered himself liable to the charge of unfair and partial dealing with which he had been taunted by the hon. Member for Manchester (Mr. Bright).

Sir JOHN TROLLOPE wished to explain, that in cases where the tenant-farmer paid less than the Commissioners thought he should be assessed at for income tax, they had the right of putting their own value on those lands, and charging him, not according to his rent. but according to that ascertained value. Such circumstances did occur when the tax was first laid on, because there might be cases in which the tenant paid less for the lands he occupied than they were worth. But, thanks to the hon. Member for Manchester and his friends, the advocates of free trade, such instances were now not only infrequent, but it was to be feared absolutely impossible.

Mr. BOOKER said, the hon. Member for Manchester (Mr. Bright) seemed to think it was still possible for the farmers to make exorbitant profits upon their capital. Take, however, as an example, a farmer with 300 acres of land, and suppose that he employed on an average 8*l.* on the cultivation of each acre, that would make in the whole 2,400*l.* employed by him. At ordinary times a fair rate of interest, namely, five per cent, upon such a capital, ought to yield him 120*l.* a year—upon which sum the assessment ought to be made. A tax of 7*d.* in the pound on that amount would be about 3*l.*; but the farmer subject to income tax paid about 4*l.* 10*s.* a year. But it was known how the capital of the farmer had been wasted, and few could say that 8*l.* per acre was the amount of capital invested in their farms. It would be nearer the mark to say 5*l.*, and instead of 5 per cent, to estimate the return at 2½ per cent. At that rate a capital of 1,500*l.* would yield only 37*l.* 10*s.* a year, on which the assessment ought to be made.

Mr. HENLEY was sure the hon. Member for Manchester (Mr. Bright) would be glad to be put right on this question. If they took the case of a farmer who paid 500*l.* a year rent, the Commissioners might be in a position to prove that the land he occupied was worth 600*l.* a year. In that event, the farmer was not only called on to pay 3½*d.* in the pound, under Schedule B, upon 500*l.* as his rent, but 7*d.* in the pound under Schedule A on the additional 100*l.* with which he was surcharged. In other words, he paid not only on the excess under Schedule B, but also on the excess under Schedule A.

Mr. Alderman SIDNEY wished to press on the consideration of the right hon. Chancellor of the Exchequer the necessity of a more careful mode of collecting the tax, for at present it frequently happened that the taxpayers had to make good the defalcations of collectors.

Clause *agreed to.*

Colonel SIBTHORP moved the following as a proviso to Clause 1:—

> "Provided also that nothing in this Act contained shall authorise the continuance of so much of the rates and duties granted heretofore under Schedule E of the said first recited Act as relates to the pay and allowances of the officers in Her Majesty's Army or Navy."

The CHANCELLOR of the EXCHEQUER must oppose the Motion; he asserted that the officers of the Army and Navy ought to be included with other public officers in the same category.

In reply to a remark by Captain Boldero,

The CHANCELLOR of the EXCHEQUER said, that officers belonging to the Army permanently resident in Ireland were not obliged to pay the income tax; but that officers who might be quartered there in a temporary manner had to pay it. He now proposed to leave out the two last clauses of the Bill, which were inserted under the supposition that the tax would be continued for three years.

Proviso *withdrawn.*

Sir HENRY WILLOUGHBY wished to call the attention of the House to the necessity of providing some effectual custody of the papers relating to the property tax returns. The original Property Tax Act provided that official persons should not disclose the particulars which came to their knowledge in reference to the assessment and collection of the tax; but there was no provision for the effectual and safe custody of papers. It had come to his knowledge that in some of the towns in the kingdom the papers relating to the property and income tax had been sold for waste paper. In one city in particular a barrowfull of these papers had been so disposed of, and the consequence had been that the affairs of the principal residents had become matters of notoriety, and some most injurious disclosures took place. When the property tax expired in 1815, the papers connected with it were considered of so much importance that they were delivered over to be burnt by persons specially employed for the purpose.

The CHANCELLOR OF THE EXCHEQUER said, it was difficult to make that a matter of enactment; it must be a matter of discretion. He could only say, the strictest instructions had been given to observe all possible secrecy with respect to the contents of the returns. With regard to the cases to which his hon. Friend (Sir Henry Willoughby) had alluded, he did not doubt his hon. Friend's accuracy; but the House did not usually take for granted that all such stories were well founded, for a strict inquiry often proved them to be otherwise. A complaint had been made by Lord Brougham in the House of Lords with respect to the negligent keeping of these papers; but upon inquiry it turned out that there was no ground for the complaint, and that the papers in question contained nothing that might not have been posted at Charing Cross.

MR. REYNOLDS said, it was not his intention to interfere in this matter. His object was to call the attention of the House, and particularly the attention of the right hon. Gentleman the Chancellor of the Exchequer, to a Bill which he held in his hand, which might be considered part and parcel of the income tax—he meant the Stamp Duties Assimilation Bill. The House had decided that the property and income tax for Great Britain should be confined to one year, and it also decided that this Bill, which he called the income tax in Ireland, shall continue for a period of three years. His object in addressing the House was to ask the right hon. Chancellor of the Exchequer whether he considered it fair play towards Ireland to impose a tax of 140,000*l.* per annum for three years, in lieu of the property and income tax for one year? It was distinctly stated by the late Sir Robert Peel that this Bill was to be a substitute, as far as Ireland was concerned, for the non-extension of the property tax to that country.

The CHANCELLOR OF THE EXCHEQUER said, the Stamp Duties Assimilation Bill, which was limited to three years, had been sent up to the Lords before that House had come to a determination to confine the income tax to one year. It was, however, his intention to assimilate the two Bills in respect to the limitation to one year, though he did not think Ireland had a bad bargain in reference to the income tax.

MR. GRATTAN would tell the Chancellor of the Exchequer and every Member on the Treasury bench, that if he attempted to impose an income tax on Ireland, he must levy it at the point of the bayonet. He might as well impose such a tax on Siberia as upon Ireland.

Bill to be read 3° on *Monday* next.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. URQUHART then moved the Amendment of which he had given notice, and said, the conduct of the Government with reference to the way in which they had dealt with this question, had, in his opinion, led to very serious consequences. That conduct had produced in the minds of a large section of the community a morbid feeling of irritation, which would not be soon allayed; enmities, which had called forth corresponding enmities; and expectations, which, whilst they had not been fulfilled on the one hand, imposed on the Government, on the other, restrictions from which there was no possibility of escape. The Resolutions which he had to submit to the consideration of the House contained no enunciation of principles, no conclusions to be arrived at by a series of deduction. They were only and simply descriptive of the acts of the Government. They embodied a modest expression of facts, which were in themselves a vote of censure on the Government. If that was the construction which they bore, it was not his (Mr. Urquhart's) fault, but that of the noble Lord at the head of the Government; and he (Mr. Urquhart) should be sorry to see the Government expelled on such a Motion. His Resolutions only gave expression to sentiments and opinions which had been already affirmed by several important sections of that House, distinguished for high intellectual capacity, and their love of religious liberty, who, differing in their opinions on many important subjects, were unanimous in the view they took of this. He defied the noble Lord to deny that he had encouraged the Pope to this act of aggression. That was the charge which he brought against him; and he would prove it by reference to his own speeches in that House, as well as elsewhere. Before he quoted from the noble Lord, he would refer to the terms of a circular sent by Earl Grey to the Governors of our different colonial dependencies. In that document the noble Earl invited those Governors to pay honour to the prelates of the Roman Catholic faith. It was dated 1847; and, in referring to the Charitable Bequests Act, Earl Grey says—

> "The Legislature having come to the conclusion of recognising the style and titles of the Roman Catholic prelates, by placing them in the rank after those of the Established Church, the Government had thought fit to give effect to that determination of the Legislature."

Now that was an act of the noble Lord's Government. But still more conclusive were the words of the noble Lord on the 13th of February, 1844. The noble Lord said that we ought to take away every thing which was derogatory to the character and position of the Church of Rome, and repeal those penal enactments which still remained on the Statute-book. Eighteen months later—showing that these words contained no temporary or hasty opinion, in July 1845, the noble Lord said he believed that they must repeal the disallowing clauses of the Act of 1849, by which Roman Catholic bishops were prevented from assuming the style and title of bishops of the Established Church, as he did not see good grounds for the continuance of these restrictions. These, then, were the opinions of the noble Lord on the Bill of 1829, namely, that these, the last securities of the emancipation, should be withdrawn, and that greater facilities ought to be granted to Roman Catholics for the exercise of their religion. In 1846, the noble Lord said—

> "Let us suppose, although it would be extravagant to suppose it, that there was any attempt on the part of the Pope to exercise, or even assert, any sovereign power, or in any way to interfere with the Queen's authority, by bull or rescript, or in any other manner; the persons introducing such bull or rescript, or those obeying it, would be punished by the laws of England."

In the assertion of the noble Lord, that the restrictions of the Act of 1829 were futile, and that Catholic bishops ought to be placed on the same footing as Protestant bishops, the noble Lord gave a direct encouragement and invitation to the Pope to do what the noble Lord now denounced. In reply to the question of the hon. Member for the University of Oxford, as to the truth of the step taken by the Pope, the noble Lord replied, that he was officially ignorant of the fact; and that, when the hon. Member demanded whether such an act would be tolerated by any other State in Europe, he must recollect that in other countries special authority should be obtained, and an agreement entered into between the Pope and the Sovereign. Now, he put it to the House, could there be any greater encouragement given to the Pope than that which was afforded by the language, the speeches, and indeed the acts of the noble Lord? The noble Lord says that he then thought Rome a friendly Government, but that he now finds out that she is a hostile Government. The difference, in his opinion, was solely caused by the Pope taking the very step which, in 1848, the noble Lord said he had a right to do, namely, that, without an agreement to the contrary, the Pope had a right to exercise the same powers which he now assumes. The noble Lord's method of treating the whole question differed materially from the mode adopted by the learned Attorney General, who was now Master of the Rolls. That Gentleman said he would not enter into the question of insult. And yet he said that the idea of insult had aggravated the desire for legislation in this country—a desire which he showed, he conceived, to be unfounded, since the legislation he proposed tended to effect very different objects from those desired by the public. The right hon. Baronet opposite (Sir G. Grey) considered that the insult had been already met by the noble response of the country, as evinced in public demonstrations. Without expressing any opinion of his own, he would take the view of the case, as on two occasions presented recently by the late Attorney General, and that view of it which the noble Lord (Lord J. Russell) had so gravely, deliberately, and repeatedly expressed, and without now touching on the diplomatic means by which such an act might have been prevented, or even annulled. The Government had, in these opinions, the means of defeating that which was injurious in the act of the Pope. He must divide the question, as the late Attorney General had done, into its two branches. The one the so-called insult—that is, the appointment of bishops; the second, the, as he should call, injury—the issuing of the rescript. These had to be dealt with by different processes, because the means of their operation were of a different character. The first operated through the consciences of Roman Catholics; the second through the British courts of law. The first had to be dealt with by treating at Rome; the second by statute. They might pass what laws they liked, and the Roman Catholic bishops "would be bishops still." If they attempted to enforce restrictions, trifling as at first they would seem, they would meet with resistance step by step: coercion and resistance would grow; corresponding animosities arise. The body to be coerced had already forced them to relaxation; now, they had not the ground of right and consistency. They ventured on untried courses with all the chances against them; their antagonists had increased in strength, were admitted to all posts of authority, had seats in that House—in the balanced state of parties could at times dictate to England her measures, and impose upon her her governors. Could they force them down again? If so, the old penal laws would not suffice; they must proceed much farther, they must abrogate the constitution. Penal laws could not be dreamt of against a third of the subjects of Her Majesty, without expelling that body from that House, and excluding them from the jury box. These, doubtless, were the considerations which weighed with the noble Lord, when in his own terse fashion he thus placed the dilemma—and which, it had to be observed, excited at the time no alarms in the mind of the people of this country—"either you must have an agreement with the Pope, or you must not interfere in any arrangements of the kind." The same considerations weighed with Sir Robert Peel, and induced him to place on record a warning against retrocession, the end of which, he said, once entered on, would be incalculable, and lead to the most fearful results in Ireland. As to the second point, of injury that was inflicted on the Roman Catholics, according to the late Attorney General, this constituted the whole case:—

> "The bishops, as bishops," said the learned Gentleman, "have authority which the vicars-apostolic had not. In spirituals no difference exists; but as regards the administration of trusts, the presentation to benefices, they have higher powers, and therefore, the existing rights of the Roman Catholic clergy and laity are infringed."

Mr. Urquhart

He was ready to take that statement of the case as true, for all practical purposes, although he did not refer the change to the territorial character of the bishops, but to the imperious character of the rescript, and considered that vicars-apostolic under that brief would stand exactly in the same position as the bishops. Their new canon law would come to operate, not as the question of titles, through the consciences of Catholics, but through Her Majesty's prerogative of justice, as administered in the courts of law; which courts do enforce any regulation ascertained to be a use, procedure, or by law, of the Roman Catholic body, so long as it is not in violation of the common or statute law of this country. He held it, then, on the showing of the late Attorney General, to be the duty of Government to render the statute law such that every novel pretension contained in the Papal brief should be a violation of the law, and thereby fail to obtain the aid of the secular power for its enforcement. This would have been a course effectual and dignified, free alike from impotence and excess. If these were novel ideas or discoveries, he might entertain the hope that the noble Lord, even at this eleventh hour, would be struck with their importance, and accept this issue from his difficulties. But these were things which the noble Lord knew from the beginning, which, with purpose prepense, he flung away, and aroused a storm of religious alarms to render this or any rational solution impracticable. Had it not been for the conduct and declarations of the noble Lord, the Roman Catholics would have repudiated the rescript. Now, their self-love was enlisted, and their religious feelings insulted. They, like their antagonists, ceased to reason. He had spared nothing that by possibility could exasperate; and the statesman, who had over and over declared that an accommodation on this head could only be had by free consent of and arrangement with the Pope, now stigmatised this act as a violation of the law of nations, and bolstered up the strange assertion by a reference to the practice of certain nations—which again he misrepresented. The law of nations was a word of serious import. Who ever heard of a Government raising a cry of a violation of the law of nations, unless to justify reprisals?—but to raise it to vindicate the introduction of a legislative enactment was a confession of weakness, guilt, and crime. The law of nations did not apply. None of their subjects had been seized or imprisoned—none of their vessels had been captured—none of their territories invaded. The noble Lord was not so ignorant as to the law of nations, and the practices of foreign countries. When he referred to them as illustrating his assertion that no other country would endure such a pretension on the part of the Pope, he had afterwards excepted Austria. The noble Lord could not be ignorant of the contents of the blue book recently furnished by the Foreign Office; but he must have supposed the House to be so, when he ventured on such a statement. Such questions noways belonged to the law of nations; they were matters of compact or of legislation; every State was free to do what it pleased, and any State might contract with the Pope if it thought fit. The House had no very exact idea of what a concordat was—it was a treaty with bipartite engagements ; he would show them its character by reading the preamble and the chief articles of the concordat between Maximilian of Bavaria and Pius VII. The hon. Member, after quoting the passages, continued to state that one practice was not common to all countries, either Protestant or Catholic, nor even in the same country. As to Austria, there was no uniform law on this subject ruling the whole empire. It was the same in Prussia, where there were different regulations affecting its different provinces, such as Silesia, Posen, and others. But then the noble Lord said that Austria was an exception—that it now submitted without a murmur to the dictation of the Court of Rome. The change effected in Austria was the only one rational change, the consequence of its late revolution, by which the rights of the Church were freed from the Erastian control to which they had previously been subjected. The same might be said of Prussia. He referred to the despatch from Berlin, dated the 19th of September last. The noble Lord would there see that the revolution in Prussia had superseded the restrictions that had previously been laid on the Pope. They then came to the Netherlands, where there were the celebrated Gallican rights, and which were embodied in a compact with the Pope. As to Belgium, it would be seen that since 1830, by the 16th article of the constitution, every religion was free. In fact, the whole of the evidence was against the noble Lord, by which he endeavoured to show that there had been a violation of the law or practice of nations. The noble Lord had encouraged, by his conduct, the Pope to do that which he now denounced as a violation of the law of nations. He said that whoever entertained this opinion could not be content with voting against the Bill; but he must express his censure of that conduct of which the Government had been guilty by its tergiversation. But the measure, not honestly brought forward, it was already clearly not the intention of the Government, if adopted, honestly to carry out. The evil was real, its conseqences frightful; but they were less to be attributed to the Pope than the Premier: the Member for the City of London and Pius IX. were alike but tools, and they who planned the scheme could have succeeded only by being assured of both. England alone would not suffer; Europe would be the field on which the animosities engendered would sow their bitter seeds; and for mankind the prospects of these evil times was opened again, on which the doors of reprobation seemed to have been closed. He felt himself, however, precluded on the present occasion from entering into the merits of the case. He had only to deal with the secondary evils superadded by the conduct of the Government. He dissented from the views of all parties in that House. He did not concur with the Gentlemen on his right (the Peelites) in their position that no legislation was requisite, nor with those around him, in declining to obstruct the use of names, nor with those below (the Roman Catholics) in conceiving that the Pope's act was neither intended as an insult nor conveyed an injury. If the House affirmed his Resolution, it pledged itself to nothing. It merely cleared the field of the wrecks of the past futile debate, and they might take up the case *de novo*, instructed by past experience. The argument with which he would be met was, that the Government would be shaken and must leave office; as to that he was perfectly indifferent in regard to any sympathies of a political kind, for he had none with any party, indeed the reverse; but he had no wish for changes of Governments, nor did he see why it should occur; he was rejoiced to see the false doctrine exploded of ruling by majorities; and he was sure the logic of the noble Lord would find plausible grounds to reconcile, on this as on so many other occasions, defeat with the tenure of office. What he wished was, that measures should be dealt with without reference to who was in power; and, above all, that the censure of this House should fall where it was deserved. In conclusion, he would remark that the measure which had been brought forward by the Government was held by some to be a nullity, and by others a persecution; some could not tell whether it was one or the other. For his part he believed it was both—it would prove a nullity if it were not enforced, and it would prove a persecution if it were carried into effect; but he would not vote for a law which some supported because they deemed it a persecution, and others endured because they called it a nullity. The only way of escaping from this dilemma was to sweep away all that had been done upon the subject. If they did not, they must either reopen the door of religious persecution and intolerance, or they must exhibit this great country as engaged in a futile attempt at legislation, the object of scorn and contumely to the world; and they would in reality grant to the Pope what the noble Lord said they would have granted to him if the House had rejected the second reading of this Bill—they would grant him a great and splendid triumph over and above all his other triumphs—a triumph over the minds of the men of England. The hon. Gentleman concluded by moving—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'the recent act of the Pope in dividing England into dioceses, and appointing Bishops thereto, was encouraged by the conduct and declarations of Her Majesty's Government,' instead thereof,"

MR. SADLEIR second the Motion.

SIR GEORGE GREY said, he had been unable to catch what fell from the hon. Gentleman (Mr. Urquhart) in the earlier portion of his address; but he understood the hon. Gentleman to say, that having failed to attract the eye of the Speaker on the second reading of the Bill, he was anxious to take the present opportunity of stating the objections he entertained against this measure; and he therefore asked the House to reopen the discussion, and to reverse the decision at which the House had arrived after a protracted debate of seven nights, and that by an overwhelming majority of 438 against 95. The hon. Gentleman more distinctly asserted in the latter part of his speech, that the object of the present Motion was to get rid altogether of this Bill, to undo all that had been done in regard to what had been termed the Papal Aggression, with a view to relieve the great excitement and strong feeling which existed throughout the country by reason of that aggression, and to leave the act of the Pope to take its course unchecked by that House, whether by resolution or by legislative enactment. The hon. Gentleman proposed still more. He not only opposed Mr. Speaker leaving the Chair, in order that the House might consider the provisions of the Bill, but he proposed to substitute a distinct Motion, to the effect that the House should pass a direct vote of censure upon Her Majesty's Government. Strangely misconceiving, and therefore misrepresenting, what fell from his (Sir George Grey's) noble Friend (Lord John Russell) the other night, in reply to the hon. and learned Member for Sheffield (Mr. Roebuck), as to what he regarded to be a vote of want of confidence and a vote of censure, the hon. Gentleman said that the Resolution he now proposed, was not a vote of want of confidence, but only a vote of censure, and that it might be quietly submitted to by the Government without involving that dangerous consequence which he anticipated, namely, a general convulsion throughout the country by a change of the Government and a general election. The hon. Gentleman totally misconceived the observations made by the noble Lord (Lord John Russell). His noble Friend drew a distinction between the Government being in a minority on four recent occasions, and a vote of want of confidence, or a vote of censure on the part of the House; and he expressly stated, that if either a vote of confidence, or a vote of censure were passed, Ministers could not continue to carry on the Government of the country. He (Sir George Grey) would not enter into the general argument which the hon. Gentleman had adduced against the principle of the present measure. He would, however, call the attention of the House to the fact that the Resolution now proposed by way of a vote of censure, was essentially different from those of which the hon. Member originally gave notice. He now proposed not to go into Committee at all, but to substitute a vote of censure upon the Government, founded partly on the conduct of the Government, partly on the letter of his (Sir George Grey's) noble

Friend, and partly on the inadequacy of the Bill to meet the case of aggression which it was sought to redress. What was the first notice given by the hon. Gentleman? The Resolutions ran thus:—

> "1. That, in the opinion of this House, the act of the Pope in dividing England into dioceses, and appointing Bishops thereto, was invited by the express declarations of the First Lord of the Treasury.
>
> "2. That the source of this measure is not to be sought in the spiritual pretension of the Papal Government, but in its temporal prostration: that the independence of the Pope has been subverted by revolution and intervention, the first prompted, the second sanctioned, by the Minister for Foreign Affairs.
>
> "3. That by the change thus effected, through the instrumentality of British diplomacy, in the character and position of the Papal Government, the Pope, from a dangerous enemy to the Emperor of Russia and the head of the Greek Church, has sunk into an instrument in his hands, by which he will be now enabled to convulse the East and the West, destroy the internal peace of this realm, paralyse its action abroad for all useful purposes, and rekindle religious warfare throughout the world.
>
> "4. That legislation can neither reach the source nor remedy the consequences of this evil, nor have other effect save the promotion of the results for which this measure has been devised."

The first Resolution was in fact the same as the present one; but then the hon. Gentleman went on to propose a direct censure, not on the First Lord of the Treasury, but, with his old reminiscences about him, he pointed a vote of censure against the noble Lord the Minister for Foreign Affairs, and proposed to take the opportunity of bringing a charge of complicity against the noble Lord with foreign Powers, in order to destroy the independence of the Pope of Rome. Such were the opinions entertained by the hon. Gentleman on the 4th of April. He did not then propose a censure upon the noble Lord at the head of the Treasury only, but also upon the noble Lord at the head of Foreign Affairs, dividing that censure with great impartiality with his Holiness the Pope himself. He (Sir George Grey) only adverted to this in order to show that the hon. Gentleman was not a safe guide to follow on this occasion, when he asked the House to undo all that had been done—to stultify themselves, and to take no steps with regard to a measure, the second reading of which had been carried by an overwhelming majority—and to guard the House against being led by the hon. Gentleman until they saw to what he was leading them. He would only say, after the full discussion of the Bill on the second reading, that in his opinion the hon. Gentleman had failed to show one single instance in which the authority of the Pope to interfere with the internal affairs of any Foreign State had been shown to exist, without the express consent of that State, by virtue of some legislative enactment, or by the sovereign authority of the State. Among all the instances adduced by the hon. Gentleman where a similar interference was contemplated by the Pope in this country, the hon. Gentleman had not mentioned one in which that interference was attempted to be made by the Pope's sole authority, and without previous communication with the Government of this country, to carry out the measures which he proposed to be effected by such a brief or rescript as that which formed the foundation of this Bill. With regard to the conduct of the Government, he could not collect any other charge made against them than that of having conferred titles of honour on Roman Catholic ecclesiastics. On a former occasion he had observed that, looking at the position in which the Roman Catholic ecclesiastics stood in Ireland, it was a wise and liberal policy to pay a deference to the feelings and sentiments of the great body of the people of Ireland, by showing outward marks of honour and respect to the heads of their Church. In conferring those honours, and showing those marks of respect, the Government transgressed no law, and violated none of the statutes of this realm. He considered the Government who pursued that line of conduct were actuated by a liberal and wise policy, though some might think they erred on the side of generosity. But when the hon. Gentleman made this accusation, he should be reminded that these titles of honour were conferred at least a year and a half previously to the accession of the present Government. That those titles were so conferred appeared by the records of meetings of the Commissioners under the Bequests Act, in which Roman Catholic archbishops and bishops were designated by those very titles which it was made a charge against the present Government of having conferred. The arguments which had been used by the hon. Gentleman to-night were precisely similar to those which had been used for the last twenty years against every successive Government. It was used when the Catholic Relief Bill was brought forward; it was used when the College of Maynooth was endowed, and also when the

Bequests Act was introduced. The Government of those days thought it their duty, and he (Sir George Grey) considered that it was a wise policy, to propose those several measures; and though his noble Friend (Lord John Russell) had no connexion with that Government, yet he willingly took his full share of the unpopularity of those measures, and supported them in a spirit of wisdom, justice, and liberality towards his Roman Catholic fellow-subjects. But it certainly was never conceived by those who proposed or who supported those measures, that they were afterwards to be debarred from vindicating the honour of the Crown, and the independence of the Sovereign of these realms, by legislating against any act of aggression contemplated by any foreign Power, whether it were the Pope or any other Power, contrary to the law of nations, and the universal practice of Europe. The hon. Gentleman, after adverting to the conduct of the Government then proceeded to produce out of *Hansard*, declarations which, some years ago, were made by his (Sir George Grey's) noble Friend (Lord John Russell) on the subject of the Roman Catholic hierarchy. He adverted to the reply to a question put to him by the hon. Member for the University of Oxford (Sir Robert Inglis), as to whether he would sanction the establishment of a Roman Catholic hierarchy in England. In the first place, the question had no reference whatever to any such measure as that now under the consideration of the House. But the hon. Gentleman, in selecting these statements, had passed very lightly over the distinct and explicit answer of his noble Friend to the question that was put to him, whether he had given his assent to the establishment of a Roman Catholic hierarchy in England which was then talked of; when his noble Friend distinctly stated that his assent had not been asked, and that if it were asked it would be refused. [Mr. URQUHART: I quoted that.] If he had, he could not help expressing his extreme surprise that with such an explicit declaration on the part of the First Minister of the Crown, there could possibly have been such an impression created in the mind of the Pope and his advisers as the hon. Gentleman said there was, that the Government would be willing parties to the measures recently adopted. If such an impression had at any time been created, why was not some communication made by the Court of Rome to the English Government on the subject? Why was such secrecy thought necessary to be observed with regard to the act of the Pope? The hon. Gentleman had fairly and candidly abstained from making any charge against the Government of any notice having been given to them of the intentions of the Pope. He (Sir George Grey) would here take occasion to say that, since he last addressed the House in reference to what passed at Rome when the Earl of Minto was there, and to a statement made by the hon. and learned Member for Sheffield (Mr. Roebuck), as to a conversation between the Earl of Minto and the Abbé Hamilton, he (Sir George Grey) had seen a letter written by the Abbé to a friend, who was authorised to place it in his (Sir George Grey's) hands, in which the Abbé Hamilton said that he would bear willing testimony to the accuracy of every word of the statement which he (Sir George Grey) on that occasion made, and that there was no foundation whatever for the assertions of the hon. and learned Member for Sheffield, who had been misinformed altogether. Then the hon. Gentleman (Mr. Urquhart) came to the letter of his (Sir George Grey's) noble Friend. He asked the House to join in a vote of censure upon that letter on account of the following passage, which the hon. Gentleman quoted:—

> "There is an assumption of power in all the documents which have come from Rome, a pretension to supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times."

He was not now going into an argument on that question; but the hon. Gentleman asked the House to pass a vote of censure upon the Government and upon his noble Friend (Lord John Russell) for the sentiment contained in this paragraph, after the House had already shown by a large majority that it coincided with his noble Friend in opinion; and the only complaint was that the Bill now before the House did not go far enough to repress the assumption here described. But the hon. Gentleman founded his vote of censure upon this paragraph on the ground that it led to the expectation of extensive measures being about to be proposed, which had been disappointed in the result. For his part, he could see no expectation of legislative measures being held out in this paragraph at all. It was clear that hon. Gentlemen who took as strong a view of the measures of the Pope as did his noble Friend, were of opinion that they might be met by a Resolution of this House, without having recourse to any legislative measure at all; while others who did not differ from his noble Friend as to the character of the acts of the Pope, were of opinion that a proclamation from the Crown would be sufficient to satisfy the urgency of the case. But the hon. Gentleman might have quoted the following paragraph, which directly pointed to legislation, while it certainly did not hold out any such large expectation as the hon. Gentleman assumed:—

> "Upon this subject, then, I will only say that the present state of the law shall be carefully examined, and the propriety of adopting any proceedings with reference to the recent assumptions of power deliberately considered."

But the hon. Gentleman now thought there should be no legislation on the subject at all, but that the act of the Pope should be left unchecked, while at the same time he asked the House to censure the Government for the alleged inadequacy of the measure which they had proposed, and which they considered sufficient for the purpose of vindicating the dignity of the Crown, by embodying in a statute a legislative protest against the act of the Pope, and denying the right which he had assumed to exercise authority within this realm. All he now asked the House to do was, after having affirmed the principle of the Bill, not now to turn round and say they would take no further steps in the matter, but remain passive and quiescent under the authority assumed by the Pope to confer titles and dignities by virtue of his rescript within these realms. He hoped the House would not adopt such a course, but would at once consent to go into Committee, in order to consider the provisions of the Bill.

Mr. FRESHFIELD said, he could not accord to the hon. Member for Stafford (Mr. Urquhart) his acknowledgments for the course he had taken on the present occasion. It seemed to him that the hon. Gentleman stood between the House and the wishes of the public that some effectual measure should pass for repressing the aggression of which they justly complained, and with which, but for the speech of the hon. Gentleman, the House would now be making some progress. He saw no end that the Resolution could have. In short, it tended to nothing; and, feeling the Motion to be an impediment to that legislation which the House had determined on pursuing, he should give it his decided opposition. He did not inquire whether the Government had or had not courted the aggression. Suppose by their conduct they had invited this aggression of the Pope; what then? Was that to prevent the country from having the benefit of that legislation which the case required? Let them go into Committee, consider what measure the occasion might require, and endeavour to make that measure as effectual as possible.

Lord JOHN MANNERS said, that under the peculiar circumstances of the case the House must come to the discussion and consideration of the hon. Member for Stafford's (Mr. Urquhart's) Amendment upon its own merits, and apart from all extraneous matter. Now, to his mind, the proposition of the hon. Gentleman was something very tantamount to the assertion that two and two made four; and, placed as it then was, the House was obliged to assert either that two and two made four, or made something else. As an honest man, he (Lord John Manners) could not refuse to vote for the Amendment of the hon. Gentleman. The *cui bono*, which was often put to them, would not apply here; for when he considered what the Amendment was based upon, he must say that considerable public good would result from the plain declaration of the truth upon this subject, in the most formal way that that truth could be proclaimed—viz., by a Vote registered on the journals of the House of Commons. More than that, it was important that this declaration should be made, because the noble Lord (Lord John Russell), in his memorable letter, took especial pains to prevent the people of England from seeing the truth which they were now called upon to assert. According to his admissions the other day, the noble Lord was almost willing to run the risk of the disruption of the Church of England in order to prevent the people of England arriving at the truth with respect to the causes of the Papal aggression. It was in vain that fair and candid men, like Mr. Dudley Percival and the Earl of Powis, placed the truth before the country. Twice had the noble Lord, as leader of the Opposition, publicly and in his place, encouraged and invited this very act of the Pope, against which his puny and illusive legislation was now directed. Again, twice as Prime Minister, he had successfully resisted the modest attempts of the Church of England to increase her episcopate, and by that successful refusal had presented to the Pope those great towns of England which otherwise by this time had been the sees of English prelates. By the act of his own Government the noble Lord had granted precedence throughout the whole of Her Majesty's vast colonial empire to the archiepiscopal nominees of the Pope over the whole suffragan prelacy of the Colonies, and over the whole of the Australasian community; and precedence, not to bishops selected for that honour individually by Her Majesty, but by virtue of their very appointment by the Pope. The noble Lord also, with an excess of courtesy, granted similar precedence to the titular archbishops in Ireland. Further, upon the all-important matter of education, year after year, and last year especially, the noble Lord had pertinaciously resisted the fair and just claim of the Church of Ireland to a grant towards the support of her scriptural schools. In short, the whole course of policy of the noble Lord had been one long concession to the claims of the Church of Rome, and one of constant insult and wrong to the Church of England, the only real and effectual barrier against the encroachments of the Church of Rome. And yet the noble Lord had succeeded, by a magic stroke of his pen, in placing himself before the country as the champion of English Protestantism, and the only real opponent of the encroachments of the Church of Rome. It was now, however, reserved for the hon. Member for Stafford (Mr. Urquhart) to give expression to that opinion which, in his (Lord John Manners') conscience, he believed would be ratified by the verdict of an impartial posterity. Even if the subsequent conduct of the noble Lord had been in consonance with the uttered tone of his letter, and had the Bill, which after careful preparation, and with such a flourish of trumpets had since been introduced —even had that Bill realised the effects which were expected from it, and been calculated to repel the Papal aggression, instead of being, as it was described by the last legal addition—and here he begged to congratulate the noble Lord (Lord John Russell) and the House on the return of the hon. and learned Member for Cork (Mr. Serjeant Murphy)—instead of the Bill being, as described in the last legal addition to the noble Lord's party, a sham, a fraud, and a delusion—still he would say that the past acts of the noble Lord warranted, justified, and compelled him (Lord John Manners) to vote for the Amendment of the hon. Member for Stafford. He considered, moreover, that the subsequent acts of the noble Lord's policy had been, as the former acts were, favourable to the Church of Rome, and discouraging to the Church of England. He owned he could not see on what ground the Amendment of the hon. Gentleman could be resisted. A few days before the Easter recess, he (Lord John Manners) took the liberty of asking the noble Lord (Lord John Russell) if it was his intention to retract or to modify that circular letter of Earl Grey, by which, to say the least of it, the Pope was admitted to a partnership of honour with Her Majesty throughout the whole of her colonies; and the noble Lord answered, with the frankness which always characterised him, that it was not his intention either to retract or to modify it. What were the facts of the case of the colonies? Every man, woman, and child now knew that the circular to which he referred was based upon an admitted misconception of fact. He had Earl Grey's own admission for that; and it was notorious that his construction of the Charitable Bequests Act, on which the circular was founded, was not the true construction which ought to be put upon that Act. And if this circular was still to be the rule in every colonial dependency of the Crown, then he asked the House, did it not stand to reason, and was it not consonant with every dictate of common sense and justice, that similar orders ought to be issued to every lord lieutenant of an English county, commanding due precedence to be given to the Cardinal Archbishop of Westminster over every suffragan bishop of the English Church, and over the whole body of Her Majesty's subjects, with an exception, perhaps, in favour of the illustrious Consort of Her Majesty, and possibly, also, in favour of the Archbishop of Canterbury. What were the facts of the case? Dr. Polding was nominated by the Pope to the archbishopric of Sidney—a see already granted by Her Majesty to Dr. Broughton; and according to the orders of the noble Earl (Earl Grey), Dr. Polding was to have precedence granted to him over all the suffragans of the Australian Church, and over all lay persons in the Australian colonies; Dr. Wiseman, nominated by the Pope to the archbishopric of Westminster—a see not occupied by anybody—was denounced by the noble Lord at the head of the Government as an infringer upon the prerogatives of the Crown, and a violator of the rights of the nation. What was the conclusion, then, they must come to on such a state of facts? Why, either that the noble Lord was persecuting Dr. Wiseman, or that he was betraying the rights of his Sovereign and the independence of his country at the Antipodes. The latter, he believed, to be the just and true conclusion to draw; and he, therefore, asked the House, by voting for the Motion of the hon. Member for Stafford, to brand that act of Her Majesty's Government as inconsistent with their duty to the Crown, with the rights of the Colonial Church, and with a due regard to the independence of the empire. Another question which he (Lord John Manners) had touched on was the increase of the English episcopacy. When the noble Lord (Lord John Russell) came into office, he admitted, as frankly and fully as any man could, that the number of English bishops was miserably insufficient to discharge the weighty duties which devolved upon them; and he went so far as to specify some additional bishoprics which he proposed to create. If that intention had been followed up by action, it was more than likely some at least of those great towns to which the Pope had now presumed to nominate bishops, and which had excited just indignation, would have been filled by prelates of the Established Church, and Liverpool, Nottingham, and Birmingham might have been free from the indignity offered by the Pope. Before the Papal aggression was made, negotiations on the subject of education were opened between the Government of the noble Lord and the Wesleyans, which terminated in the Government conceding the just and reasonable claims of the Wesleyans. He rejoiced that they had had justice done them in the matter; and he congratulated them on their success against the pedantic bigotry of the noble Lord. The same question was pending shortly afterwards between the Roman Catholics of England and the Government, and those negotiations had also ended in the concession of the claims of the Roman Catholics, and that, too, subsequently to the Papal aggression, and in a manner which painfully contrasted with that in which the Church of England was dealt with at the hands of the Government. Negotiations had been also pending with the Church of England, and her claims (last year admitted, by almost every Gentleman on both sides of the House, excepting those who were Members of Her Majesty's Government, to be just and equitable) were met by a most sturdy and determined resistance—a resistance still continued. And thus we see Her Majesty's Ministers will grant to Roman Catholics, in the matter of education, even since this aggression, that which they refuse the Church of England. He might multiply instances in point. But those points were sufficient to prove that the Amendment of the hon. Gentleman was based upon the letter and bare facts of the case. The hon. Gentleman was right in assuming that the Pope must have felt satisfied that any attack he could make on the Church of England would meet with no discouragement, and possibly with countenance, from Her Majesty's Government. He was not disposed to think the Pope would have erred very much in arriving at that conclusion. He believed if the people and the Sovereign of England had not felt themselves aggrieved by the act of the Pope, they would have heard very little of the noble Lord's indignation. He would not now enter into the inconsistencies which marked the noble Lord's measure by which he expected to meet that aggression—inconsistencies which characterised it from the moment it was introduced to the House up to the present time. They could not forget how the noble Lord at the head of the Government said, the measure would do one thing; and the hon. and learned Attorney General said it would do another; while the hon. and learned Solicitor General promised it would do everything; and common sense and public opinion proclaimed it would do nothing. However, he would not enter into the merits or demerits of the Bill—whether it contained all of the former, which an enthusiastic Solicitor General attributed to it, or all of the latter, which the gentlemen who met the other day at Dublin ascribed to it. The question at present was, had the Motion of the hon. Gentleman (Mr. Urquhart), truth with it or not? If it had truth, let them vote for it; if not, against it. He believed it to have truth, and for that reason he should vote for it; because he thought it of public importance to place on record—upon the Journals of that House—a deliberate condemnation of the past policy of the Government, which had led to that aggression; and because he regarded it as important to hold up the conduct of the Government as a beacon to their successors in the Administration, to warn them against following the course pursued by the noble Lord and his Colleagues. He would vote for it, because he believed it necessary for the vindication of truth and justice; and because no reasoning adduced by the right hon. Gentleman the Home Secretary had in the least degree shaken the arguments which compelled him to believe that the Amendment of the hon. Gentleman was strictly and entirely true.

MR. SADLEIR said, the right hon. Gentleman the Home Secretary had appealed to the House, whether they would sanction a course which would have the effect of undoing all that had been done with reference to the Papal aggression; but he should like to know what the House had effected in that respect, which there was danger of risking by affirming the truism embodied in the Amendment? The Government had encouraged the Pope in acts which eventuated in the establishment of a hierarchy in England, similar to that which had for centuries existed in Ireland. He believed every Irish Member, in the course of these debates, had expressed his readiness to repel any act of a Pope, or other foreign potentate, which could be termed an aggression on the independence of the country, or an insult to their Protestant fellow-subjects. The right hon. Gentleman (Sir George Grey) seemed to infer that every Member who supported the hon. Member for Stafford (Mr. Urquhart) was prepared to condemn the Government for the acts by which they had encouraged the establishment of the English Roman Catholic hierarchy. He (Mr. Sadleir) was not prepared to condemn the Government for those govermental acts; at the same time he could not withhold his sanction, or decline to affirm the proposition expressed by the Amendment? He maintained that the plain inference to be drawn from the declarations of the noble Lord (Lord John Russell) was, that he paid no respect to those apprehensions—that he partook of none of those fears, which prompted the introduction of the 24th section in the Act of 1829, by which obstacles were thrown in the way of the establishment of a Roman Catholic hierarchy. That was the plain and obvious meaning of the noble Lord's declarations; and, possessing a knowledge of the Roman Catholics, no doubt he thought it of great practical importance to have those his fellow-subjects, lay and clerical, under the control of a hierarchy. If the noble Lord perceived the importance of it to the Roman Catholics in every social and political point of view, he must have been as anxious as any Roman Catholic to see the establishment of the hierarchy in this country. It was impossible any Roman Catholic could not desire to see the discipline of their Church, not under the agency of vicars-apostolic, but under the government, control, and supervision of a regularly-constituted and established hierarchy. It was by that means alone that Roman Catholics in England could have the same securities which the Roman Catholics in Ireland enjoyed against any unjustifiable interference on the part of an ill-disposed Pope. The vicars-apostolic were literally the nominees of the Pope of Rome, and the Roman Catholic subjects of England were at their mercy in a great degree. That state of things, which had existed since the Reformation, was only tolerated as an unfortunate necessity; the existence of vicars-apostolic was only a temporary arrangement until the number of Roman Catholics, their property and their position in the country in which vicars-apostolic were appointed, became of such an important character as to justify the creation of a regularly-established hierarchy, and, as a necessary consequence, the creation and constitution of parochial clergy. He held that the present attempt to put down the ecclesiastical arrangements of the Roman Catholics throughout the United Kingdom was as oppressive as any of the penal statutes which remained on the Statute-book. He knew not whether it was intended to put down the hierarchy; but a more dangerous, more unjust, more impolitic, more intolerant cry could not be raised than the cry which had been raised to put down the Roman Catholic bishops. In the archives of Dublin they possessed records of the conduct of the Irish Roman Catholic bishops in Ireland in times of the greatest excitement and the greatest danger, which demonstrated that they had invariably exercised their authority to preserve order and prevent disturbance, and that they had directed their influence to counteract the efforts of the ill-disposed and disaffected. In the troublous times of 1848 the reports of the stipendiary magistrates throughout Ireland afforded incontestable proofs that the bishops and clergy had united in urging the people to be faithful and steady in their allegiance to the Sovereign, and to hold aloof from those who sought to disturb the peace and order of the country. How could any one, then, justify the attempt to deprive a great branch of Christ's Church of the free exercise and full enjoyment of all the advantages which followed the establishment of a hierarchy, on the plea that such an establishment would be inconsistent with the prerogatives of the Crown, and the independence of the nation? He could collect nothing from the speech of the right hon. Gentleman the Home Secretary to induce him to think that the Government were prepared to expunge that mass of falsehoods which was concentrated in a few lines in the shape of a preamble to this Bill; it was difficult to find a preamble so brief and so full of falsehood. It was unbecoming the Government to palm that false preamble on the House, and it was alike unbecoming the Parliament to endeavour, between false recitals and persecuting clauses, to raise up such a state of the law as, if enforced, would extinguish the Roman Catholic hierarchy throughout the United Kingdom. Was it the intention of Englishmen on that side of the House and on this, who would support the Bill, to subject every Roman Catholic archbishop and bishop doing any act involving an exercise of diocesan jurisdiction, or the use of spiritual functions, to a penalty of 100*l.*? He challenged the Government to show that that would not be the effect of the Bill, even in its altered shape; and he asked, was that not persecution? Was not that penal legislation? The right hon. and learned Attorney General for Ireland was in his place, and the House would expect to receive from him a lucid explanation of the penal bearings of the Bill. It was the duty of the right hon. and learned Gentleman to state what acts Roman Catholic archbishops and bishops could do without incurring the penalty of 100*l.* He was not one of those who, with loyalty on his lips, had endeavoured to excite a spirit of insubordination and religious discord in Ireland; but he now felt imperatively called upon to entreat all those who valued the peace of the empire to pause before they passed a measure which would render the government of Ireland more difficult and expensive, and weaken those ties which should naturally combine all classes of the population in resistance to a hostile aggression, from whatever quarter it might proceed. He wished to know how the legislation which the Government had proposed would influence the people of Ireland. In that country the people were prepared to resist any attempt to restrict their religious rights from whatever quarter it proceeded. The noble Lord at the head of the Government had been much praised for the services he had rendered to the promotion of civil and religious liberty, and in particular for the active part he had taken in attempting to remove the disabilities affecting the Jews; but his conduct in persisting with the Bill under the consideration of the House showed that, however much the noble Lord might be in favour of Jewish Emancipation, he was not in favour of carrying out the principles of the Roman Catholic Emancipation Act of 1829. The supporters of the present measure said that they also were the friends of civil and religious liberty, although the Bill before the House would most unfairly restrict the development of the Roman Catholic faith. It was idle to say that the Catholics would continue to enjoy the privileges guaranteed to them by the Act of 1829 if the action of the Roman Catholic hierarchy in England was to be restricted by a penal statute. At the present time especially it was most injudicious and unwise to bring such a measure forward. There had been thousands of Irish Roman Catholics pressing into England for the last few years, who, by their industry, perseverance, and enterprise, and the encouragement which was given to them in this country, supported themselves and their families in comfort. If the Bill before the House passed, many of the good effects of that encouragement given in England to Irish workmen and their families would be done away with. Would English Gentlemen deny to their Roman Catholic fellow-subjects the spiritual advantages which could be derived from the establishment of an hierarchy, and the consequent establishment of a parochial clergy? When the noble Lord at the head of the Government introduced the Bill, he pretended that some of its provisions had been framed in compliance with the urgent appeal of Roman Catholics. [Lord JOHN RUSSELL dissented.] The noble Lord seemed to intimate that this was not the case, but he could produce the noble Lord's words in support of his statement. The noble Lord assured the House that the Roman Catholic laity were anxious to be protected; and, if he were not mistaken, the noble Lord also said that the second order of clergy wished for protection. The right hon. and learned Master of the Rolls, too, told the House that he knew better than Roman Catholic Members what the Roman Catholics wanted, and was kind enough to inform them that the establishment of the hierarchy in England was intended by the Pope to cover his design of acquiring a supreme power in Ireland, and destroying the ecclesiastical and spiritual independence of the bishops, clergy, and laity of that country. The noble Lord at the head of the Government said that a hierarchy and a parochial clergy were not required by the spiritual wants of the Roman Catholics. What would the noble Lord think if he were to tell him, a Protestant, that, although he was a member of an Episcopal Church, the Protestants of England did not need a hierarchy or parochial clergy? The assertion was too absurd to require further notice. Again he entreated the House to pause before trying the dangerous experiment of interfering with the religion of the millions in Ireland. Let no man who supported the measure endeavour to salve over his conscience by the plea that the Bill was of too persecuting a character to allow of Ministers enforcing it. Some of the Parliamentary camp followers of the Government were whispering that the Bill, if passed, was to be allowed to remain a dead letter; and the new Member for Cork had announced that it was merely a *brutum fulmen.* Such a course of proceeding was only calculated to bring legislation into contempt, especially in Ireland, where, above all places, it was desirable to inspire the people with respect for the law. He had no hesitation in declaring that the Bill would be more than a repeal of the Act of 1829. He wished to know if the right hon. and learned Attorney General for Ireland was prepared to prosecute the Archbishop of Cashel for using the title he had ever used, and which he (Mr. Sadleir) promised the right hon. Gentleman the right rev. Prelate would continue to use, in the exercise of his ecclesiastical functions? If he was so prepared, it would demonstrate to the world that this was a persecuting and penal act of legislation; and he would venture to predict that the attempt would bring the right hon. Gentlemen into official disrepute, and that it would have no better or other effect than that of creating a habit of contempt for the law and for the tribunals of justice in Ireland.

Mr. STANFORD said, that he was anxious to avoid saying anything which could be deemed offensive to any section of that House, and that he was satisfied that the House would never deliberately consent to pass any measure the possible effect of which would be the infliction of an injustice upon any class of the community. The course which some hon. Members would take on this occasion might be regarded as offensive to other hon. Members; but he, for one, was obeying the dictates of paramount duty; and, at least, he would guard himself against the use of offensive language, but could not suffer himself to be prevented by any too sensitive feelings of delicacy from doing that which he considered that he was called upon to do. He looked at each question according to its real bearings, and never referred to the issue which another man might tell him was inevitable; for if he believed others, and did not judge for himself, he would be perpetually falling into mistakes. In this respect he might describe himself as the political Pariah of the House. He could not surrender his right of judging the merit or demerit of each question as it came before the House. If, on the contrary, he bound himself over to a leader, and acted like an humble follower, he thought that it would be just as well to send his footman into the House instead of himself. The proposal at present under consideration, he examined, with a reference to its real meaning; and he found that it led to nothing. It was the mere enunciation of inconsequent truisms. Probably the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), whom he saw smiling, differed from him. The hon. and learned Gentleman was also in a peculiar position. He sympathised with the hon. and learned Gentleman as little as he did with the noble Lord (Lord John Russell) on this question. The noble Lord and the hon. and learned Gentleman had both taken to letter-writing about the Pope. The consequences, however, were very different. The noble Lord had done the most popular thing which he had ever accomplished in his career; and the hon. and learned Gentleman had done the most unpopular thing he had ever succeeded in doing—which was saying a great deal. He (Mr. Stanford) took no mere party view in regard to this question. He considered that the noble Lord (Lord John Russell) was a great tactician and a perfect Parliamentary fencer, although he thought no man had ever been so handled as the noble Lord was by the philippic of the hon. and learned Gentleman the Member for Athlone (Mr. Keogh) on a recent occasion; and not desiring to oust any Government until he was certain that a stable Government was ready to succeed, he came to the conclusion that the noble Lord was the best man they could possibly get under the circumstances. He also wished the House to understand that he was not influenced by any bigoted feelings against the Pope. He could inform hon. Gentlemen that he had gone to the expense of *25l.* in publishing a pamphlet on the "Patriots of Italy," the tendency of which was in favour of the Pope; and he regretted to add that he had never sold more than six copies; but he trusted the House would not measure its merits by its sale. Up to the period of the Roman revolution, he had believed that the Pope was honestly anxious for such a reform as would have abolished the strictly ecclesiastical government of the States of the Church; and, believing this, he was sorry that the revolution had taken place. As respected the question between the Pope and the Government, it would have to be admitted that there were faults on both sides. The Government had never behaved in a straightforward manner to the Pope. The Earl of Minto had never ascertained the facts with which it was his business to have made himself acquainted. The noble Lord (Lord John Russell) had on a former occasion stated that he saw no reason why the Prelates of the Roman Catholic Church should not assume dignities the same as those of the Church of England. How, under such circumstances, the noble Lord could propose his Bill, was to him (Mr. Stanford) unaccountable. He thought some steps might have been taken to resist that invasion of the prerogative of England, if the noble Lord had been sincere, more effective than what the hon. Member for Middlesex called the "post-prandial resolutions of mock-turtle Protestants." [Mr. B. OSBORNE: I never said anything of the kind.] Then the hon. and gallant Member has enjoyed the credit of a smart saying to which he is not entitled. But when the noble Lord was questioned upon the subject, he said—

> "After all due consultation with the law officers of the Crown, we came to the conclusion that it would not be wise for Her Majesty's Government to institute any legal proceedings against the agents of the Pope for the assumption of ecclesiastical titles, because if we had it would have been based upon ancient and obsolete statutes, which it is always unpleasant and disagreeable to the people of this country to invoke; and the issue would be doubtful; the jury would probably give no verdict."

If that had been the real state of affairs, the noble Lord had a strong case to go to the country with. But there was, he would not say a *suggestio falsi*, but a *suppressio veri* in the matter; for, though the 9th and 10th of Victoria took away the penalties of the ancient statute of the 13th of Elizabeth, it still left the treason. Now, the noble Lord knew that when a statute was deprived of a penalty, the infringement of it was a misdemeanour, to which both fine and imprisonment were attachable. But the noble Lord did not think fit to instruct the Attorney General to file an indictment against those parties for misdemeanour. But the course which the noble Lord ought to have taken, the course which all lawyers in the country would say he should have taken had he been in earnest about the Papal aggression, which he (Mr. Stanford) was afraid he was not, was this—if he thought the Bishop of Rome had invaded the prerogative of the Sovereign, and assumed that which he was not entitled to do by the law of nations, he could have avoided the unpleasantness of reviving an obsolete statute, or even the Attorney General's being forced to frame an indictment under the 9th and 10th of Victoria, which was certainly not very obsolete. Notwithstanding the opinion which had been given by the law officers of the Crown on the subject, he insisted that all who made themselves parties to the late act of the Pope, committed a misdemeanour at common law, although the penalties had been taken away by statute. The proper course, then, for the noble Lord (Lord John Russell) to have followed was to have issued a proclamation, warning Her Majesty's subjects from assuming any titles, ecclesiastical or otherwise, without the sanction of the Sovereign, and declaring that those who assumed such titles without Her Majesty's sanction would be held guilty of a misdemeanour. In place of following this course, the noble Lord (Lord John Russell) had allowed six months to elapse without doing anything, and now he had introduced a Bill. What necessity had there been for the introduction of such a measure when a proclamation could have answered all the purposes which the Bill was calculated to attain? The second part of the proposition was equally clear and undeniable with the first. He agreed that the letter of the noble Lord (Lord John Russell) was calculated "to wound the religious feelings of many of Her Majesty's subjects," and that the expression "superstitious mummeries" was a most unwise and unkind phrase to be used on the part of the noble Lord. He hoped that the noble Lord had done himself the justice to explain away that phrase. No man had a right to insult the religious feelings of another. Religious truth must be left to prevail by argument, by discussion, and also by charity. The Roman Catholics were Christians. They were our fellow-countrymen and our fellow-subjects, and he believed loyal subjects too; and it was certainly matter of regret that the noble Lord (Lord John Russell) should have made use of such an offensive expression. Under these circumstances, therefore, and considering that the proposition submitted was unquestionably true, he felt he must support the Motion of the hon. Member for Stafford (Mr. Urquhart),

SIR R. H. INGLIS had listened with some degree of attention to the speech of the hon. Member for Reading (Mr. Stanford), and had not been able, until he had heard the last sentence, to discover how the hon. Member intended to vote. The hon. Member had told them that he had expended 25*l.* in publishing a book, and such was the bad taste of the people of England, that he had only sold sixty copies. [*Laughter, and cries of* "Only six copies!"] Only six copies! That was more lamentable still. He (Sir Robert Inglis) did not intend to address himself at any length to the remarks which had fallen from the hon. Member (Mr. Stanford); but there was one sentence in his speech on which he would offer one or two observations. The hon. Member had said that if the Motion of the hon. Member for Stafford (Mr. Urquhart) were carried, no evil consequences would accrue. What was the matter really at issue? The question which Mr. Speaker would put from the chair was, "That the Speaker leave the Chair;" and the Amendment was to leave out the words after "that," in order to introduce the proposition of the hon. Member (Mr. Urquhart). He (Sir Robert Inglis) would assume for the moment that the Amendment would, unhappily, be carried. What would be the practical result? Was it a matter of indifference? On the contrary, if the Amendment were successful, it would destroy the Bill. In other words Mr. Speaker would not leave the chair, and the House would not go into Committee on the subject. That was the issue which the people of England would recognise in the proceedings of their representatives that evening. The Bill was certainly better than no Bill, although better still it might be made; but, whether it were good or bad, when he had merely the choice of the two questions, whether he should go into Committee to see how far he could amend the Bill, or resist all proceedings in the matter, he could have no hesitation in voting for the Motion to go into Committee. That Motion was to the effect that they should proceed to further legislation. There was no man so ill-informed regarding the state of feeling in this country as not to know that the resistance of the House to legislation on this subject, would be distasteful to the feelings, opposed to the principles, and abhorrent to the judgment of the largest portion of the people of England who ever took part in any public question. The issue was not as to whether the noble Lord (Lord John Russell) had met in the proper way the requirements of the case, but whether that House should say "we shall have nothing to do with the matter," after having passed the Bill by such majorities as 395 on the first occasion, 414 on the second, and 438 on the last. The minority, too, they would observe, had on these occasions never exceeded 95. Yes, the united forces of those who generally acted with the right hon. Member for Ripon (Sir James Graham) the Irish brigade, and all the ultramontane and montane parties, had never exceeded 95 individuals. Were the people of England, after such repeated majorities, to yield, and submit to have their proceeding nullified, and themselves stultified? He would not discuss the question on any abstract proposition that, carried or uncarried, it would leave them where it found them; but if it should not be carried, then they would be thrown back in all they had done since the 14th of February last. He could not help reminding some of his hon. Friends that they should not permit themselves to be misled by the Amendment of the hon. Member for Stafford. Those who voted in support of the Amendment, considering the Bill in the light in which Roman Catholics regarded it, a Bill of pains and penalties, gave the weight of their character and talent to undo all that had been previously done. He could understand the principle that the Prime Minister had not done that which he ought to have done, and what he almost promised the country he would do. He (Sir Robert Inglis) should be prepared to support a

Motion calling upon the noble Lord to do more; but, to call upon him, as the hon. Member for Stafford now proposed, to undo all that he had done, and to forego all the advantages he had obtained by the large majorities which had marked the progress of this measure, was what he was not prepared to do. In any case the course which he would pursue was clear. He saw a proposition before the House, which if successful would frustrate, if not annihilate, the prospects of the Bill, and destroy the hopes and expectations of the country; and therefore he earnestly hoped that the general body of those who supported the Protestant feeling of the country heretofore would not shrink from doing the same on the present occasion. He would not vote for the Motion before the House; and if not rejected by as large a majority as heretofore supported the noble Lord, he hoped the majority would at least be such as to ensure the House against further futile opposition.

Lord DUDLEY STUART said, the hon. Baronet who had just sat down had almost convinced him that he ought to give his vote in favour of the Amendment of the hon. Member for Stafford. Unlike the hon. Baronet, he (Lord Dudley Stuart) was opposed to the Bill. The Amendment of the hon. Member for Stafford was nothing more than a truism; and he should say if it had no object but that which it appeared to have it, would be mere childishness to move it. The hon. Gentleman stated that "the Government, by their conduct, had encouraged the Pope to act as he had acted." No doubt some of the acts of the Government would allow of such a construction. But might not the same be said of other Governments, or was it peculiar to the Government in power? After the lengthened discussion that heretofore had taken place on the Bill, he could not hope to add any new argument or advance any reason that had not been previously used. But not having had an opportunity of previously addressing the House on the subject, he hoped then to be permitted to explain his views on the measure. He had from the very first felt a great objection to this Bill, and very early in the Session he declared his decided repugnance to any legislation on the subject. He was, therefore, anxious that his motives should not be in this respect misunderstood; and that no man should suppose that he had been guided to his conclusions by any feeling towards Romanism, or by any kindly feeling to those whom he regarded as no other than Romanists in disguise, namely, the Puseyites. He hated all persons in disguise, and would prefer an open and avowed enemy to one clothed in the garb of a friend. In the same way he regarded the Resolution of the hon. Gentleman the Member for Stafford, then before the House; and he should tell the hon. Gentleman, that had he come forward in a straightforward manner, and moved that, instead of Mr. Speaker leaving the chair then, he should leave it that day six months; if the hon. Gentleman had taken that straightforward course, he would have had his vote. Though he was in favour of getting rid of the Bill altogether, yet he objected to do so by a side wind. As he before said, his opposition to the Bill, as well as to all legislation on the subject, arose not from any feeling towards Romanism, as towards that pseudo-Romanism, Puseyism, but because it was an interference with the principles of civil and religious liberty. He had never been able to understand, if they interfered with the internal government or control of religion, how they could say they acted in conformity with the principle of religious liberty. His opinion was that the greatest benefit that could be conferred on mankind would be to convert them all to Protestantism; but he asserted that by their legislation they could do nothing whatever, and did not advance one step towards that consummation. On the contrary, they made it with many a point of honour not to be converted by enlisting their passions and prejudices against truth. Let every man be free in his opinions. He claimed the right of being so; and, acting on the true Christian principle of "doing as he would be done by," he wished to see every man enjoy to the full the same liberty as himself. A great deal had been said about the insult offered by the Pope. He (Lord Dudley Stuart) felt it. He did think that the manner in which the hierarchy was introduced was an insult to the nation and to the Sovereign; and it was his belief that the Pope had been instigated to that course by some of the worst enemies of the country, whose desire, and in which they had succeeded, was to throw an apple of discord amongst the various religious denominations of the community. History showed that Austria had always exercised great influence at Rome; and it was remarkable that that personage whose presence in this country had excited so much indignation, when, invested with the purple and cardinal's hat, he left Rome for London, did not come by the straight route, but went round by Vienna; and it was from Vienna that he addressed his celebrated letter to the noble Lord at the head of the Government. There were also indications of a leaning towards Austria in the pastoral letters and public addresses of that eminent personage, who betrayed in his writings an evident partiality for some of the creatures and tools of Austria, whose inhumanity had made them peculiarly obnoxious to the censure and detestation of the British people. He (Lord Dudley Stuart) was impressed with the conviction that the Pope, in the course he had taken so offensive to this country, had been influenced by Austria; and it was well known that Austria was guided in all her proceedings by another Power stronger than herself, and whom she obeyed with a submission which made her nothing but the tool and the slave of Russia. If the feelings with which he had ever regarded those Governments were recollected, and the earnestness with which he had denounced them on all occasions, both in this House and out of it, it might well be supposed that his political as well as religious prejudices would have led him to a course opposite to that which, in regard to this Bill, he had thought it his duty to pursue. But his attachment to the great principle of religious liberty was stronger than all these prejudices. When he was told of the insult offered to the country, he was glad to think that the people were prepared to rise as one man to resent any insult to their beloved Queen, and to defend their free institutions. If the insult were such a one as it was represented—if it were, as it had been described, not only at public meetings, but by Ministers of the Crown in this House, an invasion of the prerogatives of the Crown, and subversive of the constitution of the country—then he (Lord Dudley Stuart) should be for meeting it by measures very different from this paltry Bill, which, when it was passed, would prove inoperative for its purpose. If the insult were really of this important character, it would afford a complete justification of a resort to arms. It might be argued that the Pope driven from Rome would still be Pope, and might issue his bulls and edicts as well from a palace or a cottage at Naples, as from the Vatican. That was quite true; still the pages of history showed the Popes always ready to sacrifice spiritual for the acquirements or retention of temporal power; and the Pope, who was only maintained at Rome by foreign bayonets, and not in any degree by the good will of his own people, would, if he saw us resort to coercive means, gladly agree to any conditions. In order to enforce our own rights, we interfered by force of arms with Greece. Why should we not with Rome? Because it would be inconvenient in consequence of other armed Powers being concerned? Surely the position of England was not that of being ready to coerce the weak, but afraid to interfere with the strong. He (Lord Dudley Stuart) was for maintaining the rights of England at all times; and though we had done right in enforcing them with those who were weak; as justice was on our side, he hoped we should never submit to wrong from any quarter whatever. There was, however, no necessity for any violent measures in this case. The insult came from a weak and impotent enemy; it related only to names, and there was more dignity and propriety in treating it with contempt than in resenting it. The only way to treat such proceedings was to laugh at them; if they did not, they might be assured that they would be laughed at. Legislation would not succeed. They might prevent a few ecclesiastics assuming territorial titles; but they could not prevent their exercising spiritual authority over those who wished to recognise it; and all the edicts of the Pope were powerless to enforce that authority on those who did not choose to submit to it. He was aware the course he had pursued on this subject was one disagreeable to the greater number of his constituents. He deplored it; but he had a very strong opinion on the subject. On the second day of the Session, when the report on the Address was brought up, he had declared the great objection he entertained to any legislation whatever on the question. That was before any of the great speeches on this side had been made—before the speeches of the right hon. Baronet the Member for Ripon, of the right hon. Member for the University of Oxford, or of the hon. and learned Member for Plymouth had been delivered, and before the opinions of other eminent persons out of that House, corroborative of his own, had been proclaimed. He had since that given a close attention to all that had been urged on either side; and had he been able to discover any valid reason for altering the course on which he had entered, he should have been most happy to do so. It was most painful to him to take a course unpleasant to his constituents; but he thought it was the duty of a Member of that House to conduct himself as a representative and not as a delegate, and, on a question in which a great principle was involved, to act in accordance with his own convictions, without regard to any other considerations whatever. For these reasons he had voted against the Bill in its first stage; and though he had given no vote upon the second reading, that was only because he had been prevented by serious illness from coming down to the House. If he could by legitimate means prevent the passing of the Bill, most gladly would he seize the opportunity. But, judging from the immense majorities which upheld the measure in its earlier stages in that House, he thought it a waste of time to contest the matter any longer; and if he could hope to influence his friends who were opposed to it, his advice to them would be, now that they had put their opinions on record, not to persevere in an opposition which it was clear must be unavailing, and which would have no other effect than to prevent the House from directing its attention to other measures of importance to the country.

MR. BANKES said, that the noble Lord who had just sat down, and the hon. Baronet the Member for the University of Oxford (Sir Robert Inglis) had, upon the most opposite grounds, come to the same conclusion to give their votes in opposition to this Resolution. His (Mr. Bankes's) vote would be different from theirs. By voting for the Amendment, he did nothing to risk the Bill. He was called upon to say "aye" or "no," upon a Resolution (whether submitted to the House with his wish or not was no matter to the present question). He found "aye" to be the truth, and he should give his vote in favour of it. Although he had been one of the large majorities by whom this measure had been sanctioned, he nevertheless confessed that he agreed with the noble Lord (Lord Dudley Stuart) that it was most paltry and inoperative; and he also agreed with the noble Lord, that the present Government were not alone censurable for having, by their conduct and declarations, given encouragement to the whole proceedings of the Roman Catholic hierarchy, but that preceding Governments had taken the same course. That was, however, the reason why he voted for a Resolution which was a declaration, that the House of Commons censured such encouragement by whatever Government it might have been given. If the Members of former Governments were amenable to this censure, let them bear it; and he would have future Governments learn that the House of Commons were not indifferent to this negligence—to treat it in the lightest manner—by which the interests of the Protestant faith had been sacrificed and brought into this jeopardy. The hon. Member for the University of Oxford had referred to a number of Members of that House, whom he was pleased to call the "Irish brigade;" and they having been mentioned, he might say that he did not care whether this Amendment was brought forward at their instigation or not. ["No, no!"] Well, if it were, he was equally ready to vote for it if it was true. He felt that those hon. Gentlemen had been hardly treated by this Bill, for that with respect to them it was an *ex post facto* law. He had hoped, when he found the Duke of Norfolk, Lord Beaumont, and another nobleman of an exalted name and talents assenting to this Bill, that they might have passed through these discussions without ever considering this as a question between Catholics and Protestants. It was, in fact, a political question of a high and important character, and one which he considered as essential to the maintenance of that Established Church which he had sworn to uphold by every means in his power. But that did not drive him to do a very great injury—he had almost said injustice—to his Irish fellow-subjects, when he was called upon to vote against them an *ex post facto* law. It was perfectly true that their hierarchy had been acknowledged not only by collusion, but by the acts of those highest in power under the eye of the Sovereign Herself; and they were thus encouraged, and had a right to believe that what their hierarchy aspired to was not distasteful to the Government. This was one of the many difficulties which beset them throughout the whole of the painful transaction—a transaction for which he must say that the noble Lord at the head of the Government had much to answer. The noble Lord wrote his famous letter so far back as November last; Parliament did not meet for three months afterwards; and during that time they must conclude that the noble Lord and his Colleagues were anxiously and sedulously employed in preparing the measure which he should submit to Parliament, and to which he had so carefully directed the attention of the whole nation; he called for the co-operation of the people; and Parliament not being then sitting, loyal and dutiful addresses were presented to the Crown in greater numbers than on any other recent occasion. The Sovereign responded to this feeling, and Parliament was opened by a Speech, in which the feelings of the Sovereign, as sanctioned by Her Ministers, were fully and firmly expressed; the measure which was submitted to Parliament by the Cabinet, was warmly opposed by the Irish Members, joined by a large portion of their English Roman Catholic fellow-subjects; but their numbers amounted in the first instance to, comparatively speaking, a very small minority, and there was scarcely ever an occasion when the majority was so large as that which first sanctioned the proposition of the noble Lord. Notwithstanding this, however, before the end of February, the noble Lord resigned office, for causes which had never been fully explained, but of which he had understood the noble Lord to explain that the difficulties of this Bill formed a portion; indeed, if they did not, we were still utterly in the dark as to the causes of that resignation. He (Mr. Bankes) did not think that, by his vote that evening, in favour of the Resolution of the hon. Member for Stafford, he should be at all perilling the Bill, for even if its effect should be to induce the noble Lord again to abandon the Bill, could he believe that with the feeling on this subject which still prevailed in the country as strongly as ever, that any other Ministry who should occupy the place of the noble Lord and his Colleagues would dare to abandon that Bill without propounding a better one. He felt bound by the oaths he had taken (however painful it might be to him to join in a vote that was distasteful to his Roman Catholic fellow-subjects) to support the Bill, mutilated as it had been since the noble Lord's return to office. When he abandoned office he left the Bill in its original form, and it was since his return that the mutilation had taken place: this was one of the circumstances which induced him to think that it formed a main portion of the noble Lord's difficulties. The alteration of the Bill would be a subject for consideration in Committee, and it would then be for the noble Lord to vote against two-thirds of the provisions of his own measure. It would be for those who thought that there were advantages in the Bill as first propounded over the present Bill, to vote that those clauses should not be removed; and unless the noble Lord had stronger reasons than he had yet shown for their removal, he (Mr. Bankes) should object to it, believing that they would act most consistently with the general feeling throughout the country, and most beneficially with regard to the operation of the Bill, by retaining at least the larger part of those clauses. It was, indeed, an unhappy circumstance, that after deliberating upon it for three months, the authors of the Bill should have found it necessary to cut out two-thirds of it, when it came before the House; for this had not been done in consequence of adverse divisions, since it was admitted on all sides that in the whole recorded course of Parliamentary history there never was a measure which had met with such a preponderating support.

Mr. PLUMPTRE would vote for going into Committee, and against the Resolution of the hon. Member for Stafford. He thought time enough had been wasted in the early part of the Session in crimination and recrimination, and that the period for action had now arrived. That, he was convinced, was the opinion of the Protestant people of this country, who had exercised a long patience on this subject, and whose strong feeling on the question had not abated one jot. If the people believed that Members of that House were acting more from party than from patriotic motives, the greatest offence would be given to, and the greatest distrust excited among, the Protestant community. He conceived that though the Resolution of the hon. Member for Stafford might contain some truth, it did not contain the whole truth: he would, therefore, give it his opposition, and trusted it would be rejected by the House.

Mr. REYNOLDS said, that the hon. Member who had last sat down had used a phrase which had excited his (Mr. Reynolds') surprise, although the hon. Member was cheered at the time by the Treasury benches. Have those who were anxious to pass this Bill of pains and penalties against his country exhibited great patience? What does that patience mean? Does it mean that the people were becoming impatient of all control? Were they so anxious to forge the chains for 10,000,000 of our fellow-subjects that they have lost their patience at the delay? He must be allowed to remind the hon. Member that although three months had elapsed since this Bill had been introduced by the noble Lord, it was yet very likely that his patience would be further put to the test; for, if he was not very much mistaken, he and those with whom he co-operated, feeling that this was an aggression upon their creed, had made a declaration of war against it, and were determined to protract the passing of the Bill by every means in their power. He had heard the speech of the noble Lord the Member for Marylebone (Lord Dudley Stuart) with a mixed feeling of pleasure and of pain—pleasure at hearing him enunciate those sentiments for which he was remarkable, but pain because the noble Lord said it was hopeless for them to fight the battle any longer. He expected a different sentiment from that patriot who had never given up the cause of the Poles—who had always stood by the standard of Poland, even when she was trampled in the gutter by the tyrant of Russia. The hon. Baronet the Member for the University of Oxford (Sir Robert Inglis) had spoken of the large majorities that had divided against them on all occasions. Now, although he (Mr. Reynolds) was willing to admit that majorities were entitled to respect and attention, he had, nevertheless, known cases in which majorities were wrong, and minorities right. He was not surprised at the majorities in that House against his creed, when he referred to the Ministerial edict from Downing-street, on the 4th of November, 1850, and the speeches of the noble Lord and his supporters, circulated through the columns of the public press and posted on the walls of this metropolis. It was enough that the *Times* should have encouraged this cry of intolerance to get it re-echoed, for every thing that appeared in that paper was believed to be true, particularly when it attacked the Pope and Popery. Many of those who listened to him condemned the Bill as much as he did; but, as they admitted, they were pushed forward by their constituents, who would deprive them of their seats if they did not support it. There were, however, two hon. Members who had both voted and spoken against this Bill, and they deserved, as they had received, the thanks of their constituents; he referred them to the hon. Members for Manchester. They had been told that they dared not show their faces to their constituents, as they would be pelted with missiles. But what did they do? They went during the Easter recess into the centre of Manchester, and called their constituents together. They told them that they had voted against this Bill again and again, and that they would rather resign their seats than disgrace themselves by becoming parties to this atrocious encroachment upon the glorious principles of civil and religious liberty. And what did the Protestant constituency of Manchester say? Why, they passed a resolution approving of their conduct, and giving a unanimous vote of thanks to them, requesting them to return back to that House and to oppose the Bill in all its stages. He would recommend some of the free-traders, who boasted of their love of civil and religious liberty, to follow this example. They had been told that a majority of 400 Members of that House were in favour of the measure; but was that House to respect the opinions of none but the ignorant, bigoted, and fanatical portion of the population of this kingdom? Were not the people of his (Mr. Reynolds') own country to be respected? The right hon. Baronet the Secretary for the Home Department stated that the cases of England and Ireland were not analogous, for, in the latter country, the Catholic and Protestant hierarchy had existed together side by side. And how did the right hon. Baronet propose to legislate for the two countries? Why, he applied the same Bill to both. He (Mr. Reynolds) supposed that he did so from his peculiar love of uniformity. The right hon. Gentleman said that if we passed this Resolution of the hon. Member for Stafford, it would be a vote of censure upon the Government, and we must be prepared to abide the consequence. It would not require a telescope to tell what he meant by "the consequence," namely, that the nation would in such a case lose the benefit of his official services. Now, he (Mr. Reynolds) was fully prepared for that national calamity, and he would endeavour to sustain his health under the awful affliction. The noble Member for Colchester (Lord John Manners) appeared to him to have interpreted the Resolution very properly. The noble Lord said, "This is a two-and-two-make-four question; you cannot make five out of it." Then, if it was a truism, how was it that Gentlemen were so shocked at affirming the proposition? Something had been said about voting that black was white; and an Irish patriot recently observed that he (Mr. Reynolds) had had the effrontery to avow that he would vote against the Government, whether he thought they were right or wrong. Now, he confessed that from the time of the publication of the noble Lord's (Lord John Russell's) letter, and of the introduction of this Bill, he would vote on all occasions against the Government, having no confidence in them. The Catholics of Ireland had endorsed that sentiment, and had recently passed resolutions, at an immense aggregate meeting held in Dublin, to the same effect. There were 1,400 signatures to the requisition convening that meeting, the first of which were those of the four Roman Catholic archbishops, then the twenty-three suffragan bishops, one vicar capitular representing a see at present vacant, and then came the signatures of all the Catholic Peers of Ireland, and of nearly all the Catholic Members of that House. There were also 1,250 of the clergy and laity of all orders. There were 7,000,000 of the people of Ireland combined against your Bill and yourselves, so long as you continued this kind of legislation. It was a dangerous thing to alienate their feelings; to set them mad, as legislation like this was about to set them. He had heard it said that there was an insult to the Queen: he denied it. There was no part of the United Kingdom where Her Majesty's name was held in more affectionate reverence than in Ireland. The Catholics of Ireland had always looked upon Her as their friend and protector. It was a cold expression to say, that they cherished an affectionate loyalty. The noble Lord (Lord John Russell) was running the risk of breaking that affection. Insult the Queen! They would lay down their lives first; but they were determined to sacrifice their lives before they would permit their ancient creed to be interfered with by any of our Algerine legislation. The great meeting to which he had referred, passed a resolution, thanking those Irish Members who, regardless of party ties, had offered a strenuous and uncompromising opposition not only to the Ecclesiastical Titles Bill, but also to the Administration by whom it was introduced. Then, if he was to blush for his avowal, 7,000,000 of Irish people must blush also. The hon. Member for the University of Oxford (Sir Robert Inglis) had dignified a body of the Irish Members in that House by the title of "the Irish Brigade," and called him (Mr. Reynolds) one of the leaders. Though he was not presumptuous enough to consider himself a leader, he felt proud at being a Member of that brigade, which had combined for no other purpose than to defend themselves against aggression, whilst they were ever willing to concede to all what they claimed for themselves—the right to worship God according to the dictates of their conscience. We would not take a present of your 10,000,000*l.* of tithes and church rates. [Sir WILLIAM MOLESWORTH: Oh, oh!] The hon. Baronet the Member for Southwark cries "Oh!" He (Mr. Reynolds) was speaking as an Irish Catholic, when he asserted most sincerely that we would not take a present of your money—we would not contaminate our bishops and clergy by allowing them—if even they were willing, which they were not—to accept it. We shall offer every opposition to any State provision being offered to them, because we think it most unjust to compel any person to support a creed from which he conscientiously dissents. But a State religion was maintained in Ireland amongst a population of 8,000,000—7,000,000 of whom were Roman Catholics. Nothing, however, would satisfy the noble Lord at the head of the Government but the passing of a Bill, by which it was declared, that if the Most Rev. Dr. Murray signed his name as Catholic Archbishop of Dublin he would be fined 100*l.*, and in default of the payment of that sum, he was to be sent to a felons' gaol. He should be glad to know, then, if they were to be blamed for combining against so atrocious a measure. He had been informed, that in the first instance it had been intended that the Bill should apply to England only, and that it had been extended to Ireland on the principle of uniformity. It could not be justified on any other principle. If it had not been so extended, the Act of Union would have been quoted against Ministers, for there was a clause in that Act declaring that the Established Church was the United Church of England and Ireland, and that it should remain so. Ministers had respected that clause; but had they been consistent? There was another Act, the Act of Union with Scotland, which declared that the Presbyterian religion should remain for ever the established religion of Scotland; and yet a clause had been proposed virtually repealing that Act, and permitting Protestant bishops in Scotland to take their titles from Edinburgh, Aberdeen, Glasgow, and other places in that country. Now the Catholics had just as good a right to have a similar clause introduced for them. He was not given to boasting; but he told them that if they passed this Bill it would remain a dead letter, and that they would not dare to put it into execution in Ireland. The noble Lord had been more than once told from that side, that this Bill was sham legislation—that he never intended to put it into operation in Ireland; and the noble Lord had never noticed the charge. The right hon. and learned Attorney General for Ireland, whom he did not see in his place, had been again and again called on to explain the law; but the moment he was called on he took shelter behind the Chair, or in some of the passages, and there they were in the dark, with not one legal difficulty explained by the functionary whose duty it was to do so. ["Oh, oh!"] Why, what was the right hon. and learned Gentleman in the House for, but to give them the benefit of his opinion in such matters? Not a single legal doubt had been solved by the right hon. and learned Attorney General for Ireland. ["Oh!"] The meaning of "Oh" was, "Don't ask the Attorney General for Ireland to explain anything." Now he had great doubts whether they intended, after all, to pass this Bill. Some on that side did not think it sufficiently stringent. Others on the Ministerial side thought it severe enough. A certain noble Lord, whose name he might mention in confidence in that House (Lord Stanley), had been held up as the raw head and bloody bones to the hon. Gentlemen opposite, and between them there was a contention—he would not say for office—for that would be a vulgar insinuation, but he would say for the interests of religion. But that noble Lord had declared, that if he were in power he would proceed, by resolutions of the two Houses condemnatory of the aggression, and by the appointment of a Select Committee to inquire into the whole relations of the Catholic religion with the institutions of this country. He thought hon. Members would agree with him when he said, that when a question was to be shelved, no better mode of doing it could be found than a Select Committee. But the noble Lord at the head of the Government said he must do something. Some hon. Members said that he was doing nothing by this Bill. The hon. Member for the University of Oxford (Sir Robert Inglis), however, said that the Bill was a good Bill, though not so good as he could wish. In his opinion it was a very bad Bill for the Catholics of England and Ireland, otherwise it would never have received so good a character from the Protestant watchdog of the University of Oxford. The people of Ireland were possessed with the idea that those hon. Members who made such violent speeches on this question must be mad. He had told them, on the contrary, that they were very staid, sensible, quiet-looking Gentlemen. He was answered, that the Tudors were mad who burned people in Smithfield for their religion—that those who engaged in the South Sea scheme were mad—that Lord George Gordon and his mob were mad—that those senators were mad who shed the blood of the country and incurred a debt of 800,000,000*l.* to replace a rotten dynasty on the Throne of France against the wishes of the French people. These arguments had had weight with him; and he had replied that certainly the senators they had been talking of must be mad also. Suppose the Bill were passed—that they indicted a bishop and packed a jury—for without a packed jury they would never get a verdict of guilty—that they got, he would not say a corrupt Judge, for there was no such thing as a corrupt Judge—but suppose they got a pliable Judge, would they dare to send the bishop to gaol: they dare not lay a finger on a Catholic mitre? They would not dare to do that, and if they dared not do that, why attempt to pass this Bill? They might say that they had a standing Army; but the whole British Army would not keep the peace in Ireland if the religion of the people were touched. He was no advocate for encroaching on the rights and privileges of the Established Church in both countries. Government had a great deal to answer for in throwing the brand of discord amongst the people of Ireland at a time when Protestants and Catholics were living in harmony with each other. He would entreat the noble Lord, even at the eleventh hour, to pause before he proceeded with this Bill. He had no wish to deprive the noble Lord of the seals of office. Quite the contrary. Believing, however, the present proceedings to be a declaration of war against his creed and his country, he was determined, no matter what might be the consequence, both in that House and out of it, to offer this most atrocious Bill of pains and penalties all the opposition in his power.

Mr. SPOONER said, that he was unwilling to give a silent vote on this occasion. The Motion they were called on to affirm was, that the conduct not only of the present Government, but of other Governments, for some time, had been such as to induce the Pope to make that aggression of which the people had so much right to complain. He could not refuse to affirm that proposition, for it was true. He believed that by affirming it they would do more to support the Bill than hon. Members were aware of. They would thereby read a lesson to the Government, and let them know that they would only be supported when pursuing a right course. Hitherto their course had been to endeavour to conciliate those who were not to be conciliated, and by yielding to the Roman Catholics, to court their approbation and support. Toleration was what they asked. Toleration they had got; but they were not satisfied; nor would they be satisfied with anything short of supremacy. Believing the time had come to make a firm stand against their encroachments, he was determined to vote for the Motion. The declaration of a noble Lord in another place, high in the councils of Her Majesty, too plainly showed that the policy which had been adopted towards Roman Catholics at home and in the colonies, would not be changed. He did not think that Ministers were aware of the evils which their policy was producing. If they looked to the majority in that House, they need not be alarmed; for no Minister dared do otherwise than go on with a measure much better than the present. If the result of the division should be such as to induce the noble Lord (Lord John Russell) to resign, there would still be those who would take up the question. He had no hesitation in saying that no Government could stand for more than a few weeks unless they gave an assurance that they meant to bring forward a much stronger measure than this. The Protestant feeling was too deeply rooted to make him at all apprehensive of this Bill being altogether lost; and seeing no danger in delay, but great danger in refusing to affirm the Motion, he should give it his vote.

Lord JOHN RUSSELL: Mr. Speaker, I should hardly have thought it necessary to speak at this stage of the debate; but it is possible that some part of the House at least may be misled by the statement which fell from so distinguished a Member of the House as the hon. and learned Member for Dorsetshire (Mr. Bankes). The hon. Member said, "Here is a proposition laid before the House, and I am obliged to say 'aye or no' to that proposition." Now, nothing can be a more mistaken view of the question. The real question is one of a totally different nature. The real question is this—A Bill is introduced by the Members of the Government, and which, upon its second reading, met with the support of a very large majority—438 Members voting in favour of the second reading, while only 95 Members opposed it. The House having thus approved of the second reading of this Bill. it is now proposed, in the usual course of our proceedings, to go into Committee upon the Bill, and the regular question is proposed "That Mr. Speaker do now leave the Chair;" upon which an hon. Member gets up and moves a vote of censure upon the Government, which, as he says, will sweep away the Bill and the Government; and hon. Gentlemen who supported the Bill on the second reading take advantage of this paltry and shabby proceeding to vote against a Bill which on the second reading they had supported. Sir, the bare technical question will not be to affirm or to deny the proposition of the hon. Member for Stafford (Mr. Urquhart). The regular Motion is, that you now leave the Chair; and the question you will have to put is, that those words stand part of the question, so that there is not the least foundation for saying that the hon. Member is obliged, if he approves of that proposition, and thinks it true, to vote against the Motion. It is the reverse of accurate, and it is quite astonishing that an hon. and learned Member of his experience should be thus misled. Well, then with less authority, at an earlier part of the evening, the noble Lord the Member for Colchester (Lord John Manners) says that it is quite impossible that he can refuse his assent to that proposition—that it is merely a proposition that two and two make four—and that he cannot possibly deny it. I really think that the noble Lord is not in such a dilemma as he seems to suppose he is, because, with regard to any other Bill that he was favourable to, supposing that identical proposition to be made, and an hon. Member were to rise and were to say, "Before Mr. Speaker leaves the chair I have a curious arithmetical proposition to lay before the House, that two and two make four," would the noble Lord say, "I shall not think it necessary to discuss that proposition. If anybody can bring any arguments against it, let him do so, but that arithmetical proposition must be discussed before we can possibly think of going into Committee." Such, Sir, I say, is the unfounded excuse for giving a vote for this Amendment; but the hon. and learned Member for Dorsetshire (Mr. Bankes), and, lastly, the hon. Member for North Warwickshire (Mr. Spooner) gave an explanation which must be highly edifying to those Members who think they are going to get rid of the Bill by means of this proposition. They say, "To be sure this is a vote of censure upon the Government, and no Government can remain in office with such a vote of censure; but then you'll have a better Government and a better Bill." You'll get a better Bill—and the hon. Member for North Warwickshire delights in that anticipation—[Mr. Spooner: Hear, hear!]—a better Bill, in his sense of the word, being of course what those hon. Gentlemen on the other side of the House would regard as more stringent, more penal, and more persecuting. Well, then, what is the proposition which they say is so valuable that it is quite impossible to pass it by? It is this —"That the recent act of the Pope in dividing England into dioceses, and appointing bishops thereto, was encouraged by the conduct and declarations of Her Majesty's Government." Now, Sir, the hon. Gentleman who spoke last (Mr. Reynolds) said that those words—and I suppose he has some authority for that interpretation — apply indeed to the present Government, and also to preceding Governments. Then I think I understand a little better what it is that it is now proposed to affirm. It is, that all the conduct of recent Governments with respect to Roman Catholics has been erroneous; that those measures of fairness, of liberality, of justice, as I think them, were totally erroneous, and have led to this aggression. Now, Sir, I totally deny that proposition, and I totally deny also that the conduct of recent Governments, or of the present Government, has been legitimately the cause of the present Papal aggression; for, Sir, I should say, according to all the usual motives of action (unless you suppose that there was some peculiar meanness and unworthiness in those who advised the See of Rome upon this occasion), that if a Government treated the Roman Catholics with indulgence—if they were disposed to listen to any of their grievances, and to obtain, if possible, a remedy for those grievances—that, so far from that being a reason for throwing every insult upon the Crown of the country—so far from its being a reason for attempting, against the consent of the Government, to establish titles and dominion in this country, it would, on the contrary, be a reason for the head of a body which was thus treated to pay some deference to the Government which had been thus liberal towards them, to consult them, if necessary, and, at all events, not wantonly to insult and exasperate the country, the Government of which had behaved to them in a friendly manner. Now, Sir, I believe that I should be casting a very unjust imputation upon the Pope if I were to say that his conduct had been actuated by motives different from this, and that every act of indulgence and liberality had only tended to provoke him to aggression and insult. I think I should be accusing him of most unworthy motives were I to say so. What I do believe is, that the acts of the present and of former Governments have not been at all the cause of the present aggression. I am ready to defend the conduct of those with whom I have acted during the time I have been in Parliament, and of those who preceded me, and who acted in a manner to restore to the Roman Catholics rights of which they were deprived at that time without justice. All that conduct of twenty-four years, from 1805 to 1829, and of twenty-two years, from 1829 to the present time —all that policy of conciliation towards the Roman Catholics has been, I believe, a wise policy, and I am not disposed to depart in any degree from the defence of that policy. But, Sir, I do believe that this aggression has been part and parcel of a great plan which is aimed against civil and religious liberty in every country in Europe. I believe that, whether the Government of this country had been favourable to Roman Catholics or unfavourable to them, in the present circumstances of the world this attempt would have been made; and I feel the more secure in resisting this aggression, because I can say that there was nothing in the conduct of the Government to which I belong, or in the conduct of the Government which immediately preceded us, and nothing in our conduct as a party out of office, which tended in any way to provoke or to make us justly liable to this aggression. The hon. Member for the city of Dublin (Mr. Reynolds) speaks as if everything were perfectly quiet and undisturbed, and all persons were living in harmony, until we provoked an outcry and introduced the present Bill. The hon. Member must recollect that we on our side were totally guiltless of any act which could be styled persecution or enmity against Roman Catholics. On the contrary, the only political attacks which were made upon us were on account of too much favour shown by us to Roman Catholics; and at that period there arrived that famous rescript, not excited or invited by us, but which came into this country, and was thus the cause of the exasperation that ensued. It was not, therefore, any aggression or any act upon our part. It was the act of those who advised that aggression; and we know now, by testimony which is to be believed in this matter, by the testimony of the Earl of Shrewsbury, that those who were in the habit of advising the Pope were known enemies of England. We know, likewise, from other information, that about the time when that rescript was promulgated, it was said, and said by persons who had, I suppose, good reason for saying so, that a measure was being adopted which would set all England in a flame, and create great disturbance among the people of the United Kingdom. Well, I believe that was the object, and I believe it was to counteract the liberal influence of this country in Europe, and to enforce the views and plans of those who cannot bear the progress of constitutional freedom. I believe it was for that purpose that an aggression was framed which might disturb the mind of England, and excite a difference between the people of England and the people of Ireland. I am unwilling to enter into the details of the Bill; but the hon. Member for the city of Dublin has made representations so much at variance with the fact that I cannot but take some notice of them, for he says that we prohibit Irish bishops from taking their titles, that they have a right to take their titles, and that we now propose by a Bill to prohibit them. Now, is it not the case—I certainly believe it is—that most of the Roman Catholic bishops in Ireland, in their relations with the clergy, assume the same sees which are likewise the sees and dioceses of the Prelates of the Protestant Established Church. If that be the case, here is an Act which was passed in the 10th Geo. IV., which says—

> "That every archbishop, bishop, or other person who shall assume any ecclesiastical title derived from any existing see in Ireland, other than the persons authorised so to do, shall forfeit for every such offence the sum of 100*l.*"

There is an Act which applies to Ireland, not a Bill introduced for the first time, but which is now on our Statute-book. And yet the hon. Member for the city of Dublin, and almost every one who speaks on that side of the House, talk as if this was a measure of legislation introduced now for the first time! Why, they have been living under it since 1829, and yet they come forward now and characterise the Bill we have introduced as one of persecution and penalty such as never had been thought of before! What we attempt to meet, and what I think we are bound to attempt to meet, is the assumption of titles; and the assumption of power to govern certain districts of England, in consequence of a certain rescript from the Pope of Rome; and, had it not been for that rescript, I myself should have been perfectly satisfied with the existing state of the law of Ireland. I do not think it doubtful that any question as to the case of the Archbishop of Tuam, or the Bishop of Galway, that could have been raised, would have been met by the justice of the case, and that the administration of the law might have been safely left in the same manner in which it has been left since 1829. But it was the attempt to assume titles in England—to assume to rule and govern certain districts in England, and virtually to assume a temporal sovereignty that cannot be carried into effect without the consent of the Sovereign of the realm—it was this that made legislation necessary. Now, I wish to explain the reason why I think the House cannot vote on the assumption of the hon. and learned Member for Dorsetshire (Mr. Bankes), that there is a proposition before them that they must either affirm or deny. It is not, as I apprehend, necessary either to affirm or deny that proposition. If they choose to act in conformity with their former vote, they will go into the consideration of this Bill, discuss its clauses, and examine its provisions; but if, on the contrary, they wish to take this opportunity of coming to a vote of censure against the Government, let them take that opportunity if they will; but do not let them say they are under any obligation to do so in consequence of the Motion of the hon. Member for Stafford (Mr. Urquhart). On the contrary, I should have said that the fairer course would have been, if they thought it necessary to move a vote of censure, which, according to the hon. Member for North Warwickshire (Mr. Spooner), includes all the measures with regard to Roman Catholics that have for many years been carried into execution by successive Governments—if that be their intention, their better course would have been to bring forward a substantive proposition for the consideration of the House. As it is at present, all those who are opposed to this Bill will vote with them to get rid of the Bill—they themselves, at the same time, wishing to make the Bill more stringent, or to introduce another Bill with severer provisions. If they choose to take that course, undoubtedly it is in their power to do so; but I do not think that that is such a course as the people of England expect them to take. I think they expect that, whatever may be our party differences, the proceeding with this Bill is not the proper occasion to exhibit those differences; but that we ought rather to turn our attention, after the second reading of the measure, to devise those measures that may be necessary for the security of the Crown and the security of the nation. Whether or not the present provisions are sufficient or insufficient, is another question. All we can do is to introduce such a measure as we think will be sufficient for the purpose. I would not go one inch beyond the necessity of the case, because I wish, while resisting aggression, to maintain that religious liberty which I hope will never be lost in this country.

Mr. DISRAELI: The noble Lord at the head of the Government has accurately placed before the House the circumstances under which the question will be put before us; and the noble Lord has said there is no necessity to give an opinion on the Amendment proposed by the hon. Member for Stafford (Mr. Urquhart). The accuracy of the statement of the noble Lord, as regards the form of the question, cannot be controverted; but let me look at the Amendment which is proposed. That Amendment, to state it shortly, is to the effect that the recent act of the Pope was encouraged by Her Majesty's Government—a very important statement—a statement which I had virtually made myself often and often in this House—a statement which, months ago, when that act of the Pope occurred, I expressed in a letter to my constituents. And now, when an hon. Gentleman not associated with myself, nor my Friends near me, in any political connection, places that statement before the House—if I mean to take advantage of the plea suggested by the noble Lord, and say, that by the forms of the House I can avoid giving an opinion on this question, then indeed I think I should be taking a mean and shabby course. Now, if this issue is placed before me, I cannot avoid giving an opinion on the subject; I cannot shrink from expressing an opinion on this occasion which I have attempted to maintain and establish on others during the course of this Session, and which I am bound to say, after all that I have heard from Her Majesty's Government on many occasions, and after giving that opinion, statement, and argument the maturest consideration, I cannot in my conscience find any reason to doubt the accuracy of. Is it, then, true or not, that the aggression of the Pope has been encouraged by the conduct and declaration of Her Majesty's Government? Is it a fact, or not, that the First Minister of the Crown has himself in this House expressed an opinion that he saw no harm in a Roman Catholic bishop assuming territorial titles in the realm of England? Is that a fact, or is it not? Is it not in the experience of every Member of this House, and still in the throbbing memory of the country? Is it a fact, or is it not, that the Secretary of State in another place, expressed his hope that the Roman Catholic bishops of the United Kingdom should take their seats as Peers of Parliament in the House of Lords? Is that a fact, or is it not? Is that a circumstance of which there is any doubt? Is it not an opinion that still echoes in the indignant ears of the people of England? Is it a fact, or is it not, that a Member of the Government, sent as a Plenipotentiary into Italy, held frequent and encouraging conversations with his Holiness the Pope? Is it a fact, or is it not, that, influenced by his counsels, and animated by his presence, the Pope himself condescendingly intimated that he was about to interfere in the domestic concerns of this country? ["No, no!"] According to the account of the noble Earl, his Holiness said, "Here is something that touches England," and yet the Plenipotentiary never inquired what it was. I remember myself at the time expressing surprise that the Plenipotentiary did not inquire what it was—

Lord JOHN RUSSELL: I wish to state what I did say; I said that the Earl of Minto certainly did not remember that any such statement had been made by the Pope as that he was about to interfere in the domestic concerns of England, though such a version of what had fallen from the Pope had been given by other parties present on that occasion.

Mr. DISRAELI: That shows, then, that the Viceroy of Ireland was in direct communication with the Pope. If this be the fact, I ask you whether, in the language of this Resolution, the conduct of the Pope may not be fairly described to have been encouraged by the conduct and declaration of the Government? I do not enter now into the question of the policy of the Government in this respect—whether it was politic, legal, constitutional, or religious. What I ask this House is—are these statements facts or not? And, if they be facts, how can we avoid giving our assent to the Amendment which is placed before us? Its object is certainly not to destroy the Government, but their Bill. But the highest authority in this House will tell us that it is not in the power of any Gentleman who moves an Amendment like the present one to injure the Bill one jot. Is there any person in this House that really believes its legislation against Papal aggression is in any danger or jeopardy by asserting these truths? No person for a moment believes that a legislative act of that kind is injured. Then what is the danger, what is the peril of the House of Commons declaring that to be true, the accuracy of which no one disputes? But is there no advantage in it? I do not want to narrow the question to that issue, though I content myself with keeping to it. My hon. Friend the Member for North Warwickshire (Mr. Spooner) says he looks to the legislation and the Government of England with respect to the Pope. I have opposed the measures of the Government on this subject myself; and I might widen the issue, but I will not take refuge in such a line of policy. I have before expressed my opinion, founded not on theory or phantasy, or vain presumption, but on facts that no one has denied or controverted. I have expressed my opinion that the conduct of the existing Government in this notorious instance has encouraged this aggressive conduct on the part of the Pope of Rome. I believe that opinion will be the verdict of the country. It has been from the first the opinion of the country. The noble Lord boasts of his large majority in favour of legislation on this subject; but the greatness of the majority has not accelerated the movements of the Legislature itself. I ask the House now whether a declaration of this kind may not be of very great advantage? There has been great delay and waste of time since the aggressive act complained of occurred; there has been considerable controversy in different parts of the country, and a vast majority of this House, as well as of the country, are of opinion that it is wise, expedient, and necessary to have some legislative act which shall express our opinion of the conduct of the Pope. Still I think that nothing can be more salutary than that by a Resolution of this kind we shall give what I believe to be an accurate and dispassionate summary of public opinion with respect to the course of events, which we all of us lament. That is the practical result of the Amendment. We give an historical opinion upon all that has been done in preceding months and years. We say that the Government encouraged the conduct of the Pope, while, at the same time, we are prepared to support even that Government in the steps which may be necessary to punish and check the usurpation which has been attempted. I see nothing in such a course but what is calculated to raise the House of Commons in public estimation; and, for my own part, I believe that in acceding to the Resolution I am performing a public duty.

Mr. ROEBUCK said, he agreed in the Amendment, so far as to say that the conduct on the part of the Catholics and of the Pope had been the result of the previous conduct of the Government. He did not call it aggression, inasmuch as he believed it to have been brought about by the conduct of the Government. In the belief on the part of those who had voted that they were not about to offend the Government of this country, he could not call it aggression. These acts to which he had referred as having given great offence to the people of England, were, he believed, brought about by the conduct of Her Majesty's Government. Up to a certain point of time every act of theirs tended to bring about this result. He would go one step further, and say that in every one of those acts of the Government, if he had been called upon to give an opinion, he should have coincided. He thought they were exceedingly wise acts. He thought that up to the time of that unfortunate letter of the noble Lord the First Minister of the Crown, the conduct of the Government was wise—was in the highest degree generous—was a largeminded policy, begun in 1829. That being his opinion as regarded a matter of fact, he acceded—guarding himself against that one word aggression—he acceded to the proposition of the hon. Gentleman (Mr. Urquhart). And now let him address himself to hon. Gentlemen who were going to vote on this proposition. What they were about to affirm was, that it was not generous to the Catholics of England and Ireland that they should support the Bill after they had thus characterised it. Because the Catholics of England and Ireland did not intend to give offence—because he believed they were led on step by step to the proceeding which took place—he supported this proposition, and he would upon every occasion; and he believed that hereafter the country would support him in his opinion. He would take every opportunity of putting an end to this Bill.

MR. DEEDES said, that having the misfortune to differ from the hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and many other Gentlemen on his side of the House, with whom he was in the habit of acting, he wished to explain in a few words the reasons for the vote which he was about to give. He had had the honour that day of presenting a petition from 10,000 inhabitants of the county of Kent, a portion of which he had the honour to represent, and although not approving entirely of the Bill which was under discussion, yet for the progress of that Bill, and with the view of rendering it more efficient, he thought he should not be acting up to the wishes of those who entrusted him with that petition if he supported this Amendment. He was not there for one moment to deny that there was some truth in the proposition of the hon. Member for Stafford; but notwithstanding what had been said, he must take upon himself to judge for himself, and he denied that the proposition was such that he was called upon to affirm it; and he maintained that if he did not vote against it, he refused, in point of fact, to go on with the Bill. He was not prepared to refuse to go on with the Bill. Amendments were to be proposed by an hon. and learned Friend of his, which would make the Bill much more efficient, and with that view he felt it his duty to vote against this Amendment.

SIR THOMAS ACLAND did not rise to explain a vote which he thought required no explanation, but to point out to hon. Gentlemen near him what the observations of the hon. and learned Member for Sheffield (Mr. Roebuck) could scarcely have failed to show them. The hon. and learned Gentleman told them that by agreeing to this proposition they were damaging the Bill; and he held it to be the duty of every Member of Parliament not to be parties to any such delusion.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 280; Noes 201: Majority 79.

List of the AYES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Ashley, Lord
Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barrow, W. H.
Bass, M. T.
Bell, J.
Benbow, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blackstone, W. S.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Broadley, H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collins, W.
Copeland, Ald.
Cowper, hon. W. F.
Craig, Sir W.
Crowder, R. B.
Cubitt, W.
Currie, R.
Curteis, H. M.
Dalrymple, J.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Deedes, W.
D'Eyncourt, rt.hon. C.T.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Egerton, Sir P.
Ellice, E.
Elliott, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt.hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.

Freshfield, J. W.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hallyburton, Ld. J.F.G
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, Sir G. J.
Heneage, G. H. W.
Heneage, E.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hughes, W. B.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lygon, hon. G.
Mackinnon, W. A.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Moffatt, G.
Molesworth, Sir W.
Moncrieff, J.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Muntz, G. F.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, Sir R.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Powlett, Lord W.
Pusey, P.
Rawdon, Col.
Reid, Col.
Rendlesham, Lord
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Sandars, G.
Sandars, J.
Scrope, G. P.
Seymer, H. K.
Seymour, H. D.
Seymour, Lord
Shelburne, Earl of
Sheridan, R. B.
Sidney, Ald.
Smith, M. T.
Smollett, A.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, H.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. G.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Trevor, hon. G. R.
Trevor, hon. T.
Tufnell, rt. hon. H.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Vivian, J. H.
Wakley, T.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Wigram, L. T.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barron, Sir H. W.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G. F.
Bernard, Visct.
Best, J.
Blair, S.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Blewitt, R. J.
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bremridge, R.
Brisco, M.
Broadwood, H.
Brooke, Lord
Bruce, Lord E.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Butler, P. S.
Cabbell, B. B.
Carew, W. H. P.
Castlereagh, Visct.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Colville, C. R.
Compton, H. C.
Conolly, T.
Cotton, hon. W. H. S.
Crawford, W. S.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Evelyn, W. J.
Fagan, J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, R. M.
Fox, S. W. L.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Guernsey, Lord
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Henley, J. W.
Herries, rt. hon. J. C.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.

Hodgson, W. N.
Hope, H. T.
Hope, A.
Hornby, J.
Howard, P. H.
Jolliffe, Sir W. G. H.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawless, hon. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Mackenzie, W. F.
M'Cullagh, W. T.
Maher, N. V.
Meagher, T.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell, W.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Murphy, F. S.
Napier, J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Pigot, Sir R.
Ponsonby, hon. C. F. A.
Portal, M.
Power, Dr.
Power, N.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Roche, E. B.
Roebuck, J. A.
Rufford, F.
Rushout, Capt.
Sadleir, J.
Scholefield, W.
Scott, hon. F.
Scully, F.
Seaham, Visct.
Sibthorp, Col.
Smythe, hon. G.
Somers, J. P.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Talbot, J. H.
Taylor, T. E.
Tenison, E. K.
Thesiger, Sir F.
Thompson, Ald.
Towneley, J.
Trelawny, J. S.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Wegg-Prosser, F. R.
Welby, G. E.
Whiteside, J.
Williams, T. P.
Worcester, Marq. of
Wynn, H. W. W.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Urquhart, D.
Naas, Lord

Main Question again proposed.

Debate *adjourned* till *Monday* next.

KAFFIR TRIBES COMMITTEE.

On Question that this Committee consist of seventeen Members,

Mr. KEOGH moved that the name of Mr. Reynolds be added to the Committee.

Sir GEORGE GREY said, that he had no objection to the name of Mr. Reynolds. His noble Friend (Lord John Russell) had stated that he would add three Irish Members to the Committee, and that he would propose their names on Monday. Under these circumstances he hoped the hon. and learned Gentleman would not press his Motion now.

Colonel DUNNE said, his object in calling the attention of the House to the subject was not that any particular Irishman should be placed on the Committee. His own name had been mentioned, but he had no personal wish to serve on it.

Mr. HINDLEY said, that there were not a sufficient number of Members connected with the great missionary societies on the Committee. He thought that the number of Members ought to be increased to twenty.

Motion *agreed to*.

Mr. KEOGH then moved that the name of Mr. Reynolds should be added to the Committee.

Sir GEORGE GREY repeated that he had no objection to Mr. Reynolds, but he must ask the House to suspend its judgment until Monday, when the noble Lord at the head of the Government would propose the names of three hon. Gentlemen.

Sir BENJAMIN HALL said, he must most decidedly oppose the nomination of the hon. Member for the city of Dublin, and he would state the reasons which induced him to come to that conclusion. He did not think that the hon. Gentleman the Member for the city of Dublin was a sufficiently impartial person to be placed on the Committee; and for this reason, he had declared in that House—publicly, deliberately, and solemnly—that he would oppose any proposition whatever of Her Majesty's Government; and he gave the House to understand that he would do so whether the proposition was right or wrong. The present proposition was one which had originated with the Government; and if the hon. Member for the city of Dublin were consistent with his own pledges, he would have to go into the Committee-room with the "foregone conclusion" of voting against the Government, be the merits of the question what they might. He (Sir Benjamin Hall) could not, therefore, consider the hon. Member to be a person sufficiently impartial to be included in the Committee. If the hon. Member had not made that avowal, he should have regarded him in other respects as a man of talent and eloquence—a proper person to be placed upon the Committee. He did not speak from any personal feeling towards the hon. Member, but only judged from his own words that he was not an impartial person.

Mr. REYNOLDS denied that there was the least analogy between a vote in that House and a vote in Committee. The former might have the effect of dislodging the present occupants of the Treasury bench—his (Mr. Reynolds') political enemies; but the latter, unfortunately, could have no such happy result. The hon. Baronet the Member for Marylebone must be fully aware of this fact, and yet he had, he would not say the audacity, for that would be unparliamentary, but the boldness to affirm that he (Mr. Reynolds) would go into a Committee-room predetermined to disregard the claims of justice in a case in which he was solemnly pledged to do justice as between party and party. The hon. Baronet had taken his seat to-night in the spot usually occupied by the Nestor of Reform (Mr. Hume); but his position there reminded him (Mr. Reynolds) of a saying of their immortal bard—Shakspere—that a certain place would have been "better filled had it been empty." The hon. Member for Montrose (Mr. Hume) had declared that he would vote black white; and yet that hon. Gentleman was a Member almost of every Committee. And yet he was to be told by the thick and thin, the black and white supporter of the Government, the hon. Baronet the Member for Marylebone, that he (Mr. Reynolds) was disqualified from serving on a Committee. In this conduct the hon. Baronet would be supported by the Government. What was this but a declaration of war to death on the part of the Government against Members who were conscientiously opposed to their policy? The right hon. Baronet the Home Secretary had admitted that there could be no objection to his (Mr. Reynolds') name being put upon the list.

Sir GEORGE GREY: I said I could not then state any objection.

Mr. REYNOLDS: The House will excuse me for correcting the right hon. Baronet's observation. He said there was no objection, and now he is correcting not me but himself. He (Mr. Reynolds) protested against the Government making their opponents marked men, and denouncing them as not worthy of credit. Such conduct was certainly neither magnanimous nor manly; but it was not unworthy of the hon. Baronet (Sir Benjamin Hall) as showing with what fidelity he did the bidding—he would not say of his masters, for that would be unparliamentary—but of his leaders, and with what despatch and devotion he adhered to his colours.

Mr. J. WILLIAMS said, that on this Committee there did not appear the name of a single Welshman. He could not help expressing his deep indignation at the insult offered to his countrymen by the exclusion. He did not at all see why hon. Gentlemen representing Welsh constituencies should not be thought of as well as hon. Gentlemen from across the Channel. No man, for instance, could more conscientiously discharge the duties connected with Committees than the hon. Gentleman the Member for the county of Flint (Mr. Mostyn); and when the information reached the Principality that Welshmen had been excluded from this Committee, he (Mr. Williams) was quite sure that they would feel equally indignant with their Irish friends. A short time ago a countryman of his had returned from Kafirland, and had told him (Mr. Williams) that there was a great similarity between the Welsh and Kafir language. If, therefore, there existed any disposition on the part of Government to appoint a Committee to go to Kafirland, Welshmen would certainly be the most competent parties.

Mr. PRICE said, he was another Welshman, and he could not avoid expressing his burning indignation at the exclusion of Welshmen from the Committee: he considered that there should be at least three Members Welshmen.

Mr. KEOGH said, that as it appeared three Welshmen were to be added to the Committee, that was just another reason why the House should agree to his Motion.

Mr. LAWLESS would have advised his hon. and learned Friend (Mr. Keogh) not to divide the House on his Motion that night, had it not been for the attack which had been made on the hon. Member for the city of Dublin (Mr. Reynolds) by the hon. Baronet (Sir Benjamin Hall). He (Mr. Lawless) had made the same declaration as the hon. Member for the city of Dublin—he would give no support to the Government so long as they had charge of the Ecclesiastical Titles Bill. The attack on the hon. Member (Mr. Reynolds) had been dictated by a feeling of bitter enmity towards Ireland; and if on the part of the Government there was any disposition to evince such enmity to Ireland; the Irish Members would conduct an opposition of which they had now no idea. He advised the Government to repudiate the language used by the hon. Baronet (Sir Benjamin Hall).

Mr. CHRISTOPHER advised the hon. and learned Member (Mr. Keogh) to withdraw his Motion, seeing that Government was pledged to support three Irish Members.

Sir JOHN BULLER thought that when the noble Lord (Lord John Russell) had undertaken to name three Irish Members on Monday, he (Lord John Russell) should be allowed to do so. If the hon. and learned Member (Mr. Keogh) persisted in his Motion, he (Sir John Buller) should move that the House do now adjourn.

Sir GEORGE GREY said, the names of three Irish Members would be proposed by his noble Friend (Lord John Russell); and if hon. Members were not satisfied with these names, they might then propose others. Seeing that this was the case, he did not see the necessity of the hon. and learned Member (Mr. Keogh) then persisting in his Motion.

Lord NAAS insisted that the debate ought to be adjourned.

The CHANCELLOR of the EXCHEQUER said, it had been understood last night that his noble Friend (Lord John Russell) would put upon the paper the names of three Irish Members to be proposed on Monday. This being the case, he thought the fair way was for the hon. and learned Member (Mr. Keogh) to reserve his notice for Monday night.

Mr. GROGAN said, that if the hon. and learned Member (Mr. Keogh) gave a second notice, he would not be in so favourable a position, for he would then have to propose his names as an amendment. The wisest and fairest course in his opinion was that the debate should be now adjourned.

Mr. FOX MAULE could not agree to the adjournment of the debate, although he had no objection that the House should now adjourn. The adjournment of the debate would alter the position of his noble Friend (Lord John Russell), who hod proposed the Committee.

Mr. SCULLY hoped that the hon. and learned Member (Mr. Keogh) would persist in retaining the advantage which he now possessed.

Motion made and Question put, "That the Debate be now adjourned."

The House divided :—Ayes 25; Noes 87: Majority 62.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Monday, May 12, 1851.

Minutes.] Public Bills.—1° Court of Chancery (Ireland) Amendment.
3° Indemnity; Exchequer Bills.

IMPORTATION OF FOREIGN FLOUR.

The Earl of GLENGALL rose, pursuant to notice, to present a petition from the Grand Jury of the County of Tipperary, praying for the imposition of a duty on the importation of foreign flour. (*Minutes of Proceedings*, 44.) It was a remarkable fact, that among the gentlemen who had signed that petition, there were six who had for many years been decided advocates of the free-trade policy, but who had of late years so severely suffered from the importation of foreign flour that they had completely changed their opinions upon that subject. These gentlemen were not exclusively connected with agriculture, but were merchants engaged in commercial pursuits to a large extent. The petitioners expressed their alarm at the large and continually increasing importation of flour into the United Kingdom, under the present state of the law, which admitted foreign flour into our markets on the same unrestricted terms as wheat. They stated that the importation in the shape of flour was greater than that of wheat, on account of the flour yielding a further profit of 1*s.* 6*d.* or 1*s.* 7*d.* per sack to the French or Odessa miller; and, in consequence, large mills had been erected abroad for the sole purpose of grinding flour to be sent to England. That importation was attended with the most disastrous results to the corn-millers of Ireland, and was destroying one of the most important branches of the national industry in that country. That was a most serious question, not only as regarded Ireland, but also as regarded England. He should, however, treat it chiefly in its connexion with Ireland, where the depressing consequences of the existing system were felt with peculiar severity. The Irish flour mills were in general very considerable establishments, and some of them were even as large as any of the cotton factories, or any other factories in this country. They had grown up in Ireland, in many instances within the last fifty or sixty years, and had contributed very much to improve the condition of that unfortunate country. The state of the whole agricultural system in Ireland, depended, in fact, very much on the stability and prosperity of those great establishments. Enormous sums of money had been invested in them; their owners had, for many years, carried on an extensive and prosperous business, and they had been productive of great benefit to the farmers and labourers residing in the districts in which they were situated. The great flour millers were always ready to purchase up a large portion of the corn grown in Ireland for internal consumption; the farmers had nothing to do but to bring their corn to the millers, and they found instant purchasers at cash prices; and nothing could be more satisfactory than the mode in which that branch of trade had been conducted, until it had at length pleased the Legislature to allow foreign corn and flour to be imported into these kingdoms at a merely nominal duty. The mills had formerly been fully worked nine months in the year, and during a great portion of time had been kept going night and day, giving, of course, employment to a very great number of labourers. Then, again, the services of millwrights were frequently required in those establishments for the construction and repair of machinery, and in that way additional employment was given to the industrious classes. The carriers of the country, also, shared in the benefits diffused around them by those corn mills. In his own small town (Cahir), where there were two or three of these mills, he had frequently seen 300 or 400 carts taking corn to them, or carrying away flour from them, while each carrier received 4*s.* 6*d.* a ton for a day's work. The corn in those establishments had frequently to be turned over, and of course had kept a number of hands in constant employment. But what was the case at the present day? Why, in consequence of the vast importations of foreign corn which had of late years taken place, the corn mills of Ireland were almost at a standstill, and were not in any case employed in doing more than manufacturing flour for their own immediate neighbourhoods. Where were the labourers who used to be employed in those mills? They were in the workhouses. The whole system of tillage in Ireland had been most seriously affected by that change. In the county of Tipperary, which had formerly been a great wheat-growing district, it appeared from the latest returns that there were at present 15,000 English acres less under wheat cultivation than there had formerly been. The farmers were at present turning their lands into pasturage wherever they had the means of doing so. Now the Free-traders might say that that was a very wise and proper proceeding, and that when the corn trade was gone, the farmers ought to turn graziers. That was all very well for Gentlemen; but it was totally impossible for the Irish farmer to carry out the change successfully; for that could not be done without the outlay of a considerable sum in the purchase of stock. The consequence of that state of things was, that all those Irish farmers and labourers who could collect together the most trifling sum of money were hurrying off to North America, to the extent of 260,000 persons in the year; and those who could not leave their native country were languishing in the workhouses on the worst description of Indian corn, which was reducing them to a state of helpless disease and debility most painful to contemplate. He would appeal to those noble Lords who were personally acquainted with the state of the Irish workhouses, whether the wretched inmates of those establishments who lived on one meal a day of that filthy food, did not present a debilitated and ghastly appearance, which was totally unlike that of ordinary humanity? It was no wonder that every Irish peasant, who had sufficient means to pay for the expenses of his voyage, was flying from a land so frightfully visited, to a country where he could readily obtain 5*s.* or 6*s.* a day for wages. In the union of Clogheen, where there were extensive mills and excellent railway communication, there were at present not less than 1,800 persons in the workhouse; in the union of Thurles, a great agricultural district, there were 3,300 persons in the workhouse; and in the union of Nenagh, there were 4,300 persons in the workhouse. There was one very painful fact connected with those workhouses which he would mention. The original workhouses were not sufficiently large to contain the whole of the paupers, and auxiliary workhouses were frequently rented for their accommodation. Now it so happened that many of the mills which had lost their former flourishing trade, were leased out for that purpose; so that the unfortunate people were at present dragging on an existence in a state of helpless misery in the very establishments where they had formerly found profitable employment. That was a melancholy statement; but he could pledge himself to its perfect accuracy. He repeated that that was an English as well as an Irish question. He believed that for every five or six quarters of foreign flour brought into this country, an Irish pauper was also imported. The Irish peasants had no work at home, and that was the reason why they deluged the English labour markets. Not less than 10,000 of them had come over within the last week or two. The fact was, that the guardians of the poor-law unions gave them half-a-crown each, and with that sum they contrived to reach England. Now he said that the result of that system would be to reduce the labourers of this country to the level of the Irish labourers, and to bring down wages to the amount of 6*d*. or 8*d*. a day. The advocates of free trade might then continue to place a large loaf and a small loaf on a pole by way of contrast; but that would afford no satisfaction to the English labourer, when he found his wages reduced to the Irish standard. He should next submit to their Lordships some of the facts of the case. In the year 1845 there had been imported into these kingdoms 3,349,899 cwts. of flour; in the year 1850 there had been imported 3,819,440 cwts.; and in the first quarter of the present year there had been imported 1,330,011 cwts. He did not suppose that the importation would continue at the same amount for the whole of the year; but if it should continue at only half its present amount, what was to become of the corn millers of Great Britain and Ireland? Those men declared that their trade was being ruined by the importation of foreign flour; and he would tell their Lordships how that had occurred. When Sir Robert Peel and Company brought forward their free-trade measures, there was one great European State which was stated to be emphatically a country from which a grain of corn could never be exported, a country which was essentially not exporting—he meant France. Well, it was true that France had not latterly exported much corn; but it was also true that she had largely exported flour. In the year 1849 France had exported to Great Britain and Ireland 1,006,258 cwts. of flour; in the year 1850 she had exported 1,925,175 cwts.; that was to say, nearly double the quantity exported in the preceding year; and in the first quarter of the year 1851 she had exported to the United Kingdom 792,923 cwts. of flour; and she had besides exported 600,000 quarters of corn. He believed that France had been paid for that flour and corn in cash. Those bankers and other persons engaged in commercial pursuits, who wrote what were called circulars, stated that they had been much surprised at finding that there had of late been going on a considerable decrease of bullion in the Bank of England, and a considerable increase of bullion in the Bank of France, and they had since ascertained that that was owing to the payments we had to make for French flour and corn. He believed that nothing had more astonished the wiseacres of free trade than that question of French flour. Some Irish millowners had gone over to France for the purpose of inquiring personally into the matter. From their inquiries it would appear that France produced a great deal more corn than had formerly been supposed, and that the French farmer found it his interest to grow more corn than ever, now that he had unrestricted access to the English market; and with this view a much greater quantity of land had been brought into cultivation. Some other curious reasons were also assigned for the exportations. The Irish millers who went to the north of France were told that one of the reasons for the great exportation of flour to England and Ireland was, that, formerly, the farmers in the north of France supplied the south of France with a great part of the corn consumed there, but that notwithstanding the high protective duty which foreign corn still paid in France, great quantities of corn from Egypt, Odessa, and the Black Sea, were imported into that country to such an extent that the corn of the north of France was beaten out of the market in the south. Good Syrian wheat could be bought at Alexandria at 16*s*. per quarter, and the freight to Marseilles was 2*s*. 6*d*. The freight from Alexandria to London was 6*s*. per quarter, and he had in his pocket a sample of Egyptian wheat, of the kind which an Irish miller had purchased the other day, in the Thames, at 23*s*. per quarter. He would show it to noble Lords opposite, and they would find that it was very good wheat. (The noble Earl here produced a sample of the corn.) Some persons contended that the French flour was superior to ours, because it was manufactured in a better manner, and they recommended that we should try and improve so as to beat the French miller. There was no truth, however, in this allegation, and no necessity for the advice, for upon examination it would be found that the mills were precisely similar in construction. They were all worked by water power, and the streams were just alike, and that he did not derive his superiority from that source. With regard to the question of coals it was admitted that the price of the article was higher in France than it was here. The superiority of French flour was in some degree, though not altogether, to be attributed to an art which the French millers possessed of passing the flour through silk screens. In order to meet the French manufacturer in that respect, some of the Irish millers had procured some of the very same description of corn, and endeavoured to screen it through silk sieves, but they could not get it to run through as in France, on account of the dampness of the climate in Ireland. In fact, the French manufacturer was much more assisted by the superiority of the fine climate of his country, than he was by anything else. The climate of France was a superior kind, and that it was which chiefly assisted the French miller in making a superior class of flour; and nature itself had opposed an insurmountable obstacle to that competition which modern legislators were vainly endeavouring to establish. The French millers were at present pursuing a course which put them effectively beyond the reach of British competition, and would always do so. There were an immense number of persons connected with the milling trade in France, and a great number of small millers sent their flour at once to this country. He could see their vessels in every port in England, from Dover round the Bristol Channel through Wales, and up as far as the ports of Scotland. There they were to be seen selling their sacks of French flour, wholesale or retail, however they could, and getting their money for it. They lived all the time in their vessels, at no cost. [*Laughter.*] This, however ridiculous it might appear, was almost literally the fact. They managed to live upon a red herring, or some such miserable diet as that which cost something next to nothing, and they went about from port to port until they had entirely disposed of their cargo, and when this was effected they returned to their own country, and, without a moment's delay, refitted for another voyage. How was it possible that the British and Irish millers should enter into competition with a nation which could carry on its commerce upon such a system as that? It was altogether out of the question. The importations of French flour into this country were every day becoming larger, and the miller found himself engaged in a hopeless struggle. On one day (the 22nd of April) there arrived in the port of Liverpool alone 13,493 sacks of flour from France, and 1,282 barrels of the same commodity from America. A few days before that date the newspapers were full of complaints of the heaviness of the corn trade in the port of London, owing to the continued large arrivals of foreign flour; and it was officially announced that during one week no less a quantity French flour than 29,400 sacks had been imported. In fact, the average importation of flour from France alone might now be computed as ranging from 30,000 to 40,000 sacks per week. The result of this system was most calamitous to Ireland. A few years ago, if any one had talked of sending flour to Ireland, he would have been thought to have made a proposition almost as rational as that of sending coals to Newcastle; but it was now an every-day occurrence, and no longer a subject for ridicule: 1,300 sacks of flour, on an average, were shipped from Liverpool every week for Ireland. It was idle to pretend that these importations were desirable in the case of a country which suffered so deeply from distress as Ireland. They were not of the least service to the population, but, on the contrary, of the greatest injury; for everybody knew that it was not on fine flour, but on Indian meal, that Irish paupers were maintained. Importations of flour, therefore, could have no other effect, so far as the labouring population were concerned, except the most disastrous one of decreasing their chances of remunerative employment. Another very material point to be considered in this question was this, that as things now stood, the foreigner had a positive bonus as against the British miller in sending over to this country ready manufactured flour, and in not sending over grain. He was in a position to prove this by evidence the most incontestable. The noble Earl here read an extract from a paper which he held in his hand, as follows:—

"The foreigner having a bonus on the export of flour instead of wheat, ships only the finest qualities, retaining the coarsest sorts and offal for home consumption, thus depriving our labouring classes thereof, which they would have were the wheat manufactured in the United Kingdom; besides, the quality of wheat in Great Britain and Ireland, generally speaking, is not as good or productive as the foreign—the climate here being so damp and uncertain as, frequently in England, and always in Ireland, to require the wheat to be kiln-dried before grinding; not so in other countries where the seasons are periodically wet and dry, and the harvest well secured. Again, the foreign miller selects in his home market the primest wheat from the growers on comparatively low terms, leaving the inferior qualities to be exported thence, which, after passing through several hands, each having a commission thereon, it ultimately comes to the British and Irish millers, who have to pay the full freight, and a duty on the entire bulk of the raw material; whereas the foreigner has the advantage of selecting the primest samples at home on low terms, and subject only to the charges on the finest flour, which is packed in sacks or barrels, and which, being so easily stowed in the vessel, is preferred at a lower freight to wheat. The foreign millers, feeling the advantage which they possess, are increasing their powerful establishments in all the great growing countries in Europe and America for the purpose of supplying Great Britain and Ireland with flour, and unless a protecting duty be placed on foreign manufactured flour, the already prodigious import thereof will continue to increase."

It would be seen, too, by the following detailed statement, what was the exact amount of the bonus obtained in the various ports of France upon shipping flour instead of wheat, in consequence of the difference in the freight between the articles. The noble Earl then read the following table:—

FRANCE.

Freight of wheat, per qr. 3*s*., duty 1*s*.—4*s*.
Do. as flour, per qr. 1*s*. 6*d*., duty 11¼*d*.—2*s*. 5¼*d*.
Bonus in favour of the French miller 1*s*. 6¾*d*.

MARSEILLES.

Freight of wheat, per qr. 4*s*. 6*d*., duty 1*s*.—5*s*. 6*d*.
Do. as flour, per qr. 2*s*. 9¾*d*., duty 11¼*d*.
Bonus 1*s*. 9*d*.

ODESSA.

Freight of wheat, per qr. 7*s*. 8*d*., duty 1*s*.—8*s*. 8*d*.
Do. as flour, 4*s*. 9½*d*., duty, 11¼*d*.—5*s*. 8¾*d*.
Bonus 2*s*. 11¼*d*.

LEGHORN.

Freight of wheat, 4*s*., duty, 1*s*.—5*s*.
Do. as flour, 2*s*. 6*d*., duty, 11¼*d*.—3*s*. 5¼*d*.
Bonus 1*s*. 6¾*d*.

TRIESTE.

Freight of wheat, 5*s*., duty, 1*s*.—6*s*.
Do. as flour, 3*s*. 1½*d*., duty, 11¼*d*.—4*s*. 0¾*d*.
Bonus 1*s*. 11½*d*.

He would now proceed to show them that it was not the millers and the farmers only who were injuriously affected by the operation of the present ruinous system. All classes of manufacturers, labourers, artisans, and tradespeople throughout the three kingdoms, were of necessity severe sufferers from the practice of grinding in foreign countries rather than in our own. The relative quantities of grain and flour were given as follows:—"3½ cwts. of flour, or 392 lbs., equal a quarter of wheat; a sack of flour is 2½ cwts., or 280 lbs.; a barrel from United States or Canada is 1¾ cwt., or 196 lbs. A quarter of wheat of the growth of the past season would average 60½ lbs. per bushel, or 484 lbs. per quarter—such would produce, in wheat, 484 lbs., or 34 st. 8 lbs. (stones of 14lbs.); in flour, 25 st. households flour, 3 st. coarse bread flour, 1 st. biscuit flour, 2 st. fine pollard, 4 st. bran, 8 lb. loss in grinding—total 34 st. 8 lbs. A sack of good Norfolk or Essex households flour can be bought in London at 27*s*. per sack, or 10*s*. 4½*d*. per cwt." Now, a great number of farmers and artisans made their bread from the coarse description of flour, and, moreover, the farmers went to the millers to buy bran to feed their pigs and cattle with. The whole of that was now lost. There was a scarcity of that coarse flour, bran, and pollard; and, in fact, all those useful articles were now lost to the poorer classes, for the coarser qualities of flour, which were of such essential importance to them, were now only to be had at such prices as placed them beyond their reach, for the French sent the finer descriptions of flour to this country, and reserved the inferior qualities for their own service, and the use of their cattle. There was but one point more upon which he should touch, and he would not trespass much longer on their Lordships' attention. The working of the free-trade system had falsified the predictions and belied the anticipations of its most distinguished advocates. What had been said by two of the most influential organs connected with the free-trade movement?—that any individual should be found advocating free trade at this moment was to him most astonishing. On the 25th of March an influential organ had said, "If the American and Frenchman find that it answers their purpose to send in their own produce, in the shape of flour, we have not much to complain of. It is enough if we can prevent wheat from being taken to France for the purpose of being there converted into flour for reimportation to this country." Such was the opinion of the great organ of free trade. Another great authority, a noble Earl in that House, said—

"France had a very restrictive law against the admission of foreign corn. The consequence was, that French millers were restricted to the particular corn which happened to be grown in a particular year in France; whereas under our law the English miller had the range of the whole world, and could select the various qualities of wheat which were calculated to produce the finest article, and with this advantage, combined with the advantage in respect to steam power, he had not the slightest doubt that very soon they would entirely distance the French miller in the race of competition."

Now, to prove the fallacy of these arguments, he would refer to a certain inquiry which had been set on foot in France by the millers of this country on the subject of grinding foreign wheat in bond. The first question sent to France by the millers was—

> "Is it permissible to receive foreign wheat in every French port to be ground in bond, or is that privilege only to be enjoyed by Marseilles?"

Answer—

> "Every bonded French port has the privilege; for instance, not only Marseilles, but Nantes, Havre, Dunkirk, &c."

The second question was—

> "What quantity of flour must be exported for a certain quantity of wheat imported?"

Answer—

> "70 per cent of the weight of the wheat; for instance, for a quarter of wheat weighing 500 lbs., 350 lbs. of flour. The flour must be exported within twenty days from the time the wheat was imported. The flour must be exported from the same port at which the wheat was landed, or from one of the same division. For example, it would not be practicable to import wheat into Marseilles, and avoid the duty by giving a bill of export for flour for Dunkirk. France will not allow any flour to be imported into France."

So that notwithstanding what had been set forth in the great free-trade organ, it appeared that they were, at the present moment, importing foreign corn into France to grind it there, and then export it into this country. It was little better than an insult to tell the Irish and English millers that they ought to improve their machinery and introduce such improvements into their mills as would enable them to produce as good an article as the French, for if they were able to excel the French to-morrow in the production of flour (a thing they never would be able to do), they could not hope to establish an export trade with France. If they were to venture on the experiment of sending a cargo of British flour to that country, notwithstanding all that we had heard about reciprocity of mercantile conduct; notwithstanding that it had been said, "Oh, if we take French articles of manufacture, they will take ours in return," it would infallibly be seized and confiscated, because it was against the law of France that a single pound of flour should enter one of her ports. Such was the charming system of reciprocity from which the champions of free trade augured such magnificent results. The millers of this country said their mills and machinery were far superior to any used in France; and if a Committee of that House were appointed to inquire into the matter, it could be proved that there was more capital sunk in those mills than there was in all the cotton mills and other manufactories of the empire put together. He had to apologise for trespassing at such length upon the attention of their Lordships. He would conclude by expressing his conviction that the free-trade system was destructive of the best interests of this country—that capital could not now command as profitable a return as in former times—that industry did not meet with the same remuneration—and that skill, enterprise, and ingenuity could no longer be applied to beneficial purposes. Most earnestly did he hope that all these evils would be set right at the new election—that a happier state of things would be established—and that these kingdoms would resume their ancient prosperity through the introduction of a fair system of protection for native industry.

Earl GRANVILLE observed, that it was always a disagreeable task to make a reply to a statement of distress, when, in admitting the existence of that distress to a certain extent, you had to deprecate the remedy which was proposed for its relief. He did not feel himself bound on the present occasion either to reply to the objections which the noble Earl had urged against the system of free trade generally, or to enter into a discussion on the state of Ireland, into which the noble Earl had entered so largely, especially when the accounts which he had received from various quarters disproved, rather than proved, the accuracy of the noble Earl's information. He believed that the distress suffered by the millowners of Ireland, and so elaborately detailed by the noble Earl, existed to a considerable extent; but he could not agree with the noble Earl that it arose from increased competition with the French millowners, or with his suggestion that protection to home-made flour would be the best remedy for it. He also believed that distress was sustained by the millowners of England. They were undergoing at this moment the same fate which often befell the other manufacturers of the country. Amid the improvements which had recently been made in the construction of mills and machinery, it was found that those millowners who had a limited capital, and resided at a distance from the best markets, were gradually displaced by those who had a larger amount of capital, and who had the benefit of the best markets. It could not be disadvantageous to the millowners to have the raw material of their trade cheap; for its cheapness led to greater consumption on the part of the people; and, therefore, they must derive advantage, as well as the bulk of the community, from having a larger introduction of grain than formerly into the markets of this country, for they not only had the monopoly of grinding English corn, but they ground also a large quantity of foreign grain. With regard to the competition of the French millowners, he had recently seen a French gentleman, well known to many of their Lordships, who had recently held high office in France, M. Delessert; and that gentleman had informed him that there was no branch of industry in France in which so much progress had been made in the last twenty years as that with which the millowners were connected, and that, nevertheless, the millowners were at that moment complaining loudly of the insufficient remuneration which they received in return for their labour and their capital. It was clear, from the statement made to him by M. Delessert, that some of the minor millowners of France must have given way in the competition which they had recently undergone with the larger capitalists, and yet he did not expect that any of their Lordships would be prepared to say that it would have been a wise measure on the part of the French Government to have bolstered up the weaker portion of this trade by aid furnished from the resources of the State. Another observation which had fallen from the noble Earl was, that the French farmer was deriving great profit from importing corn to England. Now, he (Earl Granville) had every reason to believe that the contrary was the fact. The same complaints which were made in England of the distressed condition of the English farmer, were made in France repecting the distressed condition of the French farmer. He likewise believed that the great distress alleged to be suffered by the British millowners was disproved by the success of the mill recently erected at Battersea, and by the numerous new mills now in course of construction in different parts of the country. The noble Earl had suggested that flour should be immediately protected by a duty, which would enable the miller to continue his operations. He (Lord Granville) was not disposed to underrate the very dangerous commercial, political, and social consequences which he believed would result if the Legislature determined to revert to the system of protective import duties upon grain; but he must say he thought such a measure would be infinitely more defensible than to afford protection to the millers because a portion of that body were involved in some distress in consequence of the altered circumstances of their respective localities. The noble Earl had said that this question would be brought forward again; and he could only say, that if a definite proposition was submitted to the House, his noble Friends behind him would be quite ready to discuss it.

The EARL of MALMESBURY said, it was not very long since he had taken particular pains to ascertain the real reasons of that extraordinary influx of French products which had flowed into this country. The noble Earl had spoken of the opinion of one French Minister. He (the Earl of Malmesbury) had received some information on the subject from another French Minister. Their Lordships were aware that the French Government had at any time the machinery ready to ascertain the amount of corn grown in the country. That individual had told him that during the year 1850 the amount of wheat and barley exported from France to this country was equal to an additional consumption of 2,000,000 of its inhabitants. They had received no less than 2,000,000 of sovereigns since 1850. There were 1,000,000 of quarters of corn exported into this country. When a comparison was drawn between the distress in this country and in France, he denied that the state of both countries could be attributed to the same causes. In three years the exports from France, had increased from 216,000 quarters to 590,000 quarters, and in three years subsequent from 362,000 to 1,900,000 quarters. That importation was not carried on from any particular love to England. They who sat at his side of the House could do nothing but suggest, but were not strong enough to pass measures which they believed to be essential for the welfare of the country; the consequence was, that the Session preceeded on without anything being done, notwithstanding that the noble Lords opposite on the Government benches had told them that the agricultural interest was in a state of great distress. The Session was now more than half over, and we had arrived at the middle of May, and not one word was spoken, not the slightest attempt made to meet that distress which it was fully acknowledged existed. He maintained that they at his side had a perfect right, unless they were told they were in error, to know what were the remedies contemplated to heal that state of things which it was said ought not to continue.

The EARL of HARDWICKE said, it was a remarkable thing that every single interest which came before either House of Parliament was admitted to be in a depressed condition. How did it come to pass that the millers, themselves distinguished Free-traders, were now turning short round and asking for protection for themselves? His noble Friend said, it was the small millers who complained. Why, they had a miller in Wakefield, who fed no fewer than 200,000 persons, coming to his representative, Mr. Cobden, and begging him to get a reversal of that policy which they had lately pursued. It was the same way with the shipping interest; and they would have that coming before them to complain very soon. Were the reports from Manchester full of accounts of the prosperity of trade there? How was it that we who were, according to some accounts, so prosperous, were yet suffering in so many interests? and when the Government were told it, they admitted the fact, but ascribed it in all cases to particular circumstances. Some parties might be benefited now by free trade; but those parties were producers as well as consumers, and must sooner or later be materially affected if that state of things went on. Although the state of distress which existed was admitted and deplored, nothing was done to relieve it. He did not wish to go into the subject of the petition. But it appeared by that, that Ireland, which formerly was so great an exporting country of corn and flour, was now itself a large importing country; and no longer remained what they wished it to be, a flourishing and improving nation.

The MARQUESS of CLANRICARDE said, that if the noble Lord thought it necessary at any time formally to bring under discussion the state of the country, they would be able to show that it was not in so distressed a state as he had represented. The question raised by the petition, however, was whether or not there should be an import duty on flour. The whole question of protection and free trade was involved in that issue, and that was too great a question to be entered into in so discursory a manner. They had had, however, several debates on the subject, and more might arise; but he hoped that in future the noble Lord opposite and his Friends would not argue so positively that the restoration of protection—protection as such—would get rid of that distress. The pauperism of Ireland made a great part of the speech of the noble Lord (the Earl of Glengall), although it formed no part of the petition, and he was afraid that his Lordship's statement as to the state of the south and west of Ireland was true. The workhouses in those parts undoubtedly were extremely full; but he would ask what would be the condition of the ratepayers and paupers of those unions, if, instead of food being at a reasonable price, they had to pay a high price in consequence of the action of a protective duty, for high prices were the object of a protective duty. As one of the guardians of one union, he spoke with confidence on that point; and during his recent visit to that country, when he was thrown into contact with many guardians, he never met with one who was not an advocate of free trade so far as to say that if it were not at this moment for cheap food it would be utterly impossible for them to support their paupers. He differed with the noble Lord with respect to the condition of the agriculture of France, because he did not find in general that rents (and that was the best test) were well paid.

The EARL of MALMESBURY: That's the result of Socialism.

The MARQUESS of CLANRICARDE stated the facts; he did not want to go into the causes. He fully believed that the millers and the tillers of the soil in the south and west of Ireland had felt the pressure of the recent changes more than any other part of the community; but their case could not be taken in an isolated point of view, as it involved the whole of a great question which affected the general welfare of the country. He must say, however, that there had been a great deal of land broken up for corn, which never ought to have been so cropped, and by its return to grass, the country (and he spoke particularly of his own neighbourhood) would be benefited. The occupation of land also had been far from unprofitable in the last year, and sheep farmers had done as well as during the war prices.

The EARL of GLENGALL said, that the noble Lord would find that the cheap food upon which the paupers were fed was not made of wheaten flour, but of that ground from Indian corn.

The DUKE of ARGYLL said, that the noble Earl (the Earl of Glengall) had let out a secret. He had often heard it said that the guardians in Ireland gave 2*s.* 6*d.* per head to get rid of their paupers; but he was surprised to hear it asserted as so notorious a fact by the noble Earl. He (the Duke of Argyll) believed that it was a most illegal disposal of the poor-law funds. The great towns of Scotland, such as Glasgow, had suffered so much from the pressure of the immigration of Irish paupers, that they had frequently been glad to give 2*s.* 6*d.* a head to send them back. He hoped these so-called guardians would send them no more half-crown paupers.

The EARL of LUCAN said, his noble Friend (the Earl of Glengall) never intended to say that such a system was practised in Ireland by any one, much less by the guardians. To hear the speech of the noble Marquess, those who were ignorant of the real state of Ireland, would imagine that agriculture there had improved, and that it was in a state of gradual progress. He (the Earl of Lucan) had resided in Ireland for the greater part of every year for the last ten years, and he spoke the truth when he said that at no former period had there been equal distress in the west of Ireland; that at no former period was the cultivation of the land more totally neglected than at the present moment. There had long been emigration from Mayo and Galway; but never before was there such a general runaway from the land as at the present moment. The statement of the noble Marquess was therefore, begging pardon of the House for the expression, a tolerably audacious one. The noble Marquess had never heard a member of his board of guardians speak in favour of protection; but did the noble Marquess know what they said when he was not present to hear them? He (the Earl of Lucan) was chairman to four boards of guardians, and they were all Protectionists to a man. He had never heard any of them congratulating themselves on cheap food; but often and often had he heard them lament that "cheap food" should have created so much depression, ruined so many farmers, thrown so many acres out of cultivation, expatriated so many labourers, and thrown their wives and children upon the poor-rates. The statements of the noble Marquess were so unfounded in fact, that it would have been most culpable if he the Earl of Lucan) had not contradicted them.

The MARQUESS of CLANRICARDE explained.

Petition ordered to lie on the table.

CHURCH BUILDING ACTS AMENDMENT BILL.

On the Motion that the House do now resolve itself into Committee,

LORD PORTMAN said, that if the Bill passed in its present shape, it could not possibly go through the other House of Parliament. Its effect would be to deprive one half of the poor in districts where churches had been built by subscription of their right to free seats. The number so accommodated at present was nearly 300,000; and it was proposed to deprive 145,000 of this right, at the instance of the Ecclesiastical Commissioners, for the sake of increasing the stipends of the ministers. The congregations in general deeply sympathised with the wants of their ministers, and no man would doubt that it was most expedient to discover some way of affording adequate remuneration for their laborious services; but the desire to give the minister of a church a sufficient salary was no reason for selling the free sittings in that church. Besides the general character of the Bill, there were many particular clauses to which he objected. Had the proposal been to make the payment for seats voluntary, it would have been less objectionable; but the second clause authorised the churchwardens to make a selection from the deserving poor of such as they thought entitled to free seats. This was to give an exclusive privilege to what might be called the aristocracy of the poor. The Bill referred to "ancient parishes;" but a question might be raised what were ancient parishes, and whether those which, like Marylebone, had been divided into districts, were entitled to the designation. The provision for payment to the incumbents was a somewhat strange one. With regard to the 12th clause, it might be doubted whether that did not infringe the Statutes of Mortmain. By subsequent clauses the right of election was confined to subscribers above 50*l.*; but it should be remembered, that the largest number of subscriptions, and perhaps the most valuable class, were below that amount—at any rate they showed the sympathy of the poor subscribers; and he did not see why they should be deprived of the right of patronage. He also objected to the right of nomination being given to the bishop in extra-parochial places; this was enough to prevent benevolent persons from building churches in such places. The 21st clause went to render stipendiary curates perpetual curates, and make them independent of the patrons. It would be much better, considering the many objectionable provisions of this Bill, and that the measure was not a common-place one, but of high importance, and well deserving the attention of the House, to refer it to a Committee upstairs.

The BISHOP of LONDON did not object to the Bill being referred to a Select Committee; but he was unwilling that their Lordships should pass its consideration under the impression which might be made upon their minds by the statements of the noble Lord. If the noble Lord had paid any attention to previous legislation on that subject, he would have seen that many of his objections were founded on erroneous views of the matters at issue. The noble Lord said the object of the Bill was obviously to raise money; but its real object was church extension. Its object, no doubt, was to raise money in the first instance, but only for the purpose of raising churches, because, without money, no church could be built. The Bill was founded on a report of the Commissioners, and their only object was to discover the best mode of building and endowing churches. There had long been a popular cry that the Church should raise money within herself, for the purpose of extending her bounds, and thus by the means existing within herself to diffuse more widely the benefits of her teaching. One of these means was supplied by pew-rents; certainly no new idea. It had been the custom to make a large proportion of pews free and unappropriated; and that proportion, in a majority of cases, had been found more than the poor availed themselves of, and therefore it had been proposed after setting apart a certain number of pews, to take away the remainder, and make them the means of maintaining the officials of the church. Unfortunately, it was not the poorest of the poor that went to church, and of those who went, the majority would rather pay a small sum for their sittings, than have them entirely gratis. The experiment had been tried in his diocese, and the rents were paid at the round sums of 1*s.* 6*d.*, 2*s.* 6*d.*, 5*s.*, and 7*s.*, and by far the larger portion were let at 5*s.* The Ecclesiastical Commissioners had no power now to assist any parish in this way, even although the poor themselves desired it. To enable them to do so, was alone the intention of the clause; and their Lordships would confer a great boon on the poorer classes by granting, where the case was clearly made out, and only in those cases, such a power, leaving always, be it remembered, a large proportion of the seats free and unincumbered. The noble Lord objected to the 13th clause, which vested the right of nomination in some cases in the hands of contributors of not less than 50*l.* If the noble Lord had referred to the 2nd of William IV., and 1st and 2nd Victoria, he would have found that principle already acknowledged by the Legislature. He (the Bishop of London) would remind their Lordships that when the last-mentioned Act was before them, a strong inclination was felt that the right of election should not be so general; and if their Lordships knew the incalculable evils that arose from the election being extended to so large a body of men, they would rather restrict still further that limitation. He had in his diocese one or two instances in which the election was vested in the parishioners at large; and it was impossible to describe the indecencies and the impieties resulting from that mode of election. Even public-houses were opened; bribery, equal to that which had been recently brought before the other House, was perpetrated; and he need not say how much the interests of religion suffered from such disgraceful proceedings. Rather than give way on this point, he should prefer that the election should be still restricted. The noble Lord objected to the clause respecting donatives, and complained that if an incumbent were not presented within a certain time, the appointment should lapse to the bishop. He must again inform the noble Lord, that that did not give to the bishop any jurisdiction that he did not possess already.

LORD STANLEY had no desire to impugn the motives which had animated the framers of the present Bill, who, he thought, were prompted solely by a desire to increase the means of church accommodation for the poor; but he objected to that clause of the Bill which, when applied to churches already built, gave power to impose rents and fees on sittings which had hitherto been free. Many gentlemen who had contributed largely to the erection of churches within their districts, had done so, in a great measure, from a desire to provide free accommodation for their tenants and dependants; and it was to the sort of *ex post facto* legislation, which would impose rents on these free seats, that his principal objection lay. As the Bill was to be referred to a Select Committee, there was but one other point to which he would refer, and that was the provisions of the 11th clause. By the existing law, any person desirous of building a church might, with the consent of the bishop, have it consecrated, taken out of the parish, and made the church of a district, provided that the accommodation were not greater than for a certain proportion of the inhabitants of the parish, and the church itself not within a certain distance of the parish church; and he knew a case in the north of England where this provision had been taken advantage of by a gentleman, who, understanding that it was the intention of a party adverse to the pastor of a certain parish to erect a second church, within the parish, for the purpose of preaching a doctrine different from his, immediately stepped forward and himself built a church at his own expense, with accommodation so proportioned, that no third church could be erected within the parish. Now, the present Bill contained no such restriction, and it was perfectly possible, that if it happened that the bishop and clergymen held different opinions, there might be in one parish, and in one town, established two churches, a hundred yards from each other, one of them set up, not for the purpose of increasing church accommodation, but merely in opposition to the peculiar tenets of the clergyman of the parish. For such a case as this the present law provided a remedy; but there was no provision for it in the present Bill. If any sectarian feelings should arise, although the accommodation for the parish should be amply sufficient, the present Bill authorised such an opportunity as he had instanced for the introduction of the element of disunion, and churches might be built, not for the purpose of meeting actual accommodation, but merely for sectarian objects. He was exceedingly glad to find that the Bill was to be referred to a Select Committee, and he hoped that it would be found to be a distinguished means of increasing religious worship, and extending the accommodation for the labouring classes.

The BISHOP of OXFORD wished to explain that the power of imposing rents upon seats hitherto free would not rest with the Ecclesiastical Commissioners, but the Church Building Committee, who were an entirely different body; and again, there was a provision by which the subscribers could, by agreement, on application to the bishop of the diocese, make certain modifications in this particular.

The EARL of CARLISLE, in reply, said that the Bill had been framed upon a report, presented about two years ago, upon the best mode of affording facilities for the subdivision of parishes, and signed by persons of all opinions in politics and religion. The measure had received their unanimous support, and it had also been extensively approved of by the clergy. He believed that it was well calculated to promote church extension within the pale of the Church itself; and that it would promote no serious innovations or violent alterations. It might be questioned whether a provision giving to the parishes the power of accepting or rejecting the enactments would not be an improvement; but that was a point which might be considered in Committee. He should be happy to go into Committee at once; but as it appeared to be the wish of the House that the Bill should be referred to a Select Committee, he had not the slightest objection to that course. He had no doubt that such a Committee would consider it with every disposition to do justice to the intentions with which it had been brought forward, and would consider its bearings with a cordial wish to amend it, if that was possible.

After a few words of explanation from the Bishop of LONDON,

Motion (by leave of the House) *withdrawn;* and Bill referred to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 12, 1851.

MINUTES.] NEW WRIT.—For the Isle of Wight, *v.* John Simeon, Esq., Chiltern Hundreds.

PUBLIC BILLS.—1° Colonial Property Qualification.

2° Apprentices to Sea Service (Ireland) (No. 2).

3° Property Tax.

THE SERVICES OF THE CHURCH.

SIR BENJAMIN HALL said, that it appeared from a Parliamentary paper which had been laid before the House, that during the present year an Address was presented to Her Majesty from the laity of the Church of England, in which they spoke of the "histrionic arrangements" for conducting the public services of the Church, and said that great alarm had been created by the apparent secession of so many members of the Church of England to the Popssh superstitions, and prayed that Her Majesty would be graciously pleased to interfere for the defence of the Church. In consequence of this Address, Her Majesty was pleased to desire the right hon. Secretary of State for the Home Department to communicate with the Archbishop of Canterbury upon the subject, and the right hon. Baronet wrote to the Archbishop of Canterbury to this effect:—

> "Her Majesty places full confidence in your Grace's desire to use such means as are within your power to maintain the purity of the doctrines taught by the clergy of the Established Church, and to discourage and prevent innovations in the modes of conducting the services of the Church not sanctioned by law or general usage, and calculated to create dissatisfaction and alarm among a numerous body of its members."

He wished to ask his noble Friend at the head of the Government whether the Archbishop and Bishops had taken any steps in pursuance of the letter addressed by the right hon. Secretary of State for the Home Department to the Archbishop of Canterbury for the purpose of suppressing certain practices in places of worship belonging to the Established Church; and whether the Bishop of London has taken, or is about to take, any legal proceedings against those who sanction what his Lordship calls "histrionic performances" in the churches of his diocese?

Lord JOHN RUSSELL said, that in consequence of the letter which his right hon. Friend the Secretary of the Home Department addressed to the Archbishop of Canterbury, the Archbishop of Canterbury replied, stating that he would lay the letter before the bishops, and call their attention to the subject. There was also at the same time an Address issued by twenty-four of the bishops to the clergy of the Established Church, respecting the practices to which the hon. Member had alluded. The Government had not heard anything further on the subject from the Archbishop of Canterbury; and he could not, therefore, inform the House what further steps the bishops proposed to take. But as the House was in possession of the general views of the bishops, he did not think it would be possible or convenient that in every case he should be called upon to state what steps particular bishops intended to take.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order read for resuming Adjourned Debate on Question, "That Mr. Speaker do now leave the chair."

Question again proposed.

Mr. MOORE wished to call the attention of the House to what he considered an irregularity in their proceedings with respect to this Bill. He had been informed that the Bill had been first introduced into the House without the preliminary form of a Committee in some sort under the sanction of Mr. Speaker. He thought, however, he should be able to show that that sanction was given in consequence of an unintentional misrepresentation of the purport and scope of the Bill, by which Mr. Speaker was induced to suppose that the form of a Committee was not necessary. Assuming the data to be correct, and the facts well founded, which were then laid before Mr. Speaker, he entirely concurred in his decision; but he was prepared to prove that these data were entirely incorrect, and the facts without the slightest foundation. According to a Standing Order of that House, it was provided that—

> "No Bill relating to religion, or the alteration of the laws concerning religion, be brought into this House until the proposition shall have been considered in a Committee of the whole House, and agreed unto by the House."

Mr. May, a very high authority, amongst the highest on this subject, said, with regard to this Standing Order, that it was to be construed as applying to religion itself, and not to the temporalities of the Church. Thus the Roman Catholic Relief Bill in 1829 was brought in upon a Resolution of a Committee; but the Church Temporalities (Ireland) Bill, 1833, which might be considered to have reconstituted the Church government in that country, was not, on that account, required to originate in Committee; so, also, the Tithe Commutation Bill, and, that for carrying into effect the recommendation of the Ecclesiastical Commissioners as to the Church of England, had been introduced by Motion, without the previous recommendation of a Committee. Now, if they were to look at that Bill with reference only to the first motive, that would appear on its title; if they were obliged to regard it with reference only to the intentions of the framers, he was willing to admit that, having reference only to the style, title, and other temporal incidents of religion, the preliminary form of a Committee was not necessary; he was also, for the sake of argument, willing to admit, that if they were obliged to regard that Bill as it was proposed to be amended by Her Majesty's Government (supposing those Amendments should obviate the objections which he should bring against the scope and purport of the Bill), that then his proposition would fall to the ground. But that was not the proposition which they had to try. His objection was brought against the Bill as it stood in its unretrenched form, with all its clauses as it was first introduced into that House. It would be admitted that ordination and the administration of the sacraments were not temporal incidents but vital parts of religion; and indulgences, dispensations, and the like matters, were also regarded as parts of religion by Roman Catholics. Now Dr. Murray—whose authority, whether he was or was not Archbishop of Dublin, would, he believed, be regarded with profound respect—had stated in a letter quoted by the right hon. Baronet the Member for Ripon (Sir James Graham)—

> "Our Church is essentially episcopal. Our sacred ministry could not be carried on without priests—we could have no priests without bishops—and no bishops but through the authority of the Pope. It is his business not only to name our bishops, but to point out the limits within which this jurisdiction is to be circumscribed. The portion of surface which contains the Catholic flock within those limits may be called a district, or a see, or a bishopric; and the individual appointed to ordain priests, and to carry on the other necessary functions of the ministry therein, may be a vicar-apostolic or a bishop in ordinary, with this difference, that the former is removable at pleasure, the latter is permanent, and therefore one step removed from the immediate action of Papal influence. Except as Archbishop of Dublin, I could not ordain one of my own priests—I could not give a parish—I could not communicate with the Pope—I could not correspond with foreign bishops—I could not give letters dismissory, or ordination letters, or letters testimonial."

Archbishop Murray inclosed an old letter of ordination, which was signed "Daniel, Archiepiscopus Dubliniensis." The noble Lord at the head of the Government, in a spirit of justice and generosity, which was the lingering relic of brighter days, declared at once—

> "I stated in a former debate, that if any part of the Bill was found to interfere with the religious functions of the Roman Catholics, I was ready to alter and expunge such portions of the Bill, for the Government did not intend to interfere with the spiritual functions of the Roman Catholics."

He also found that the noble Lord had made the following candid admission:—

> "There has been great difficulty in meeting the question of synods. My hon. and learned Friend the Attorney General thought that by the introduction of the word 'acts,' the operation of the synods would be prevented; but we found that that would apply to confirmation, ordination, and other acts within the spiritual jurisdiction of the Roman Catholic Church."

Now, assuming the statement of Dr. Murray with regard to the provisions of the Bill to be correct, and assuming the admissions of Her Majesty's Government to be well founded; assuming also that the Bill would interfere to prevent, not only temporal incidents—not only the synodical action, but confirmation and the administration of the sacraments, he apprehended that it clearly followed that the Bill applied, not merely to temporalities and to temporal incidents, but to the most sacred parts of religion; and, however necessary the Bill might be, it should have been introduced in the form which the Standing Orders of the House required. It might be said, that although Dr. Murray might be a profound thologian and an excellent divine, he was not a lawyer, and that his opinion was not to be regarded as to the effect of an Act of Parliament, although Her Majesty's Government might have yielded to it; but he (Mr. Moore) seeing the weight of that objection, had laid a case before eminent counsel (Mr. Willes), for the purpose of ascertaining if this Bill would interfere with the ordination of the bishops; and it was his opinion that the Bill would interfere with the ecclesiastical functions of the existing Irish bishops. The opinion of Mr. Willes, with respect to the proviso that Roman Catholic bishops should not discharge their functions under the style or title of bishop of some place in the kingdom, stated that it—

> "indicates a serious interference with the exercise of ecclesiastical functions of the existing Irish bishops, because I am instructed that it is essential for the due exercise of their functions by those prelates that they should use the name of the diocese within which they are appointed to exercise their episcopal functions. It is no answer to this that the letters which they issue in the name of their dioceses are only evidence of the order which they confer, because I apprehend that it would be against the discipline and law of the Church that a priest should officiate without having obtained such letters; and even supposing that this would not be recognised as affecting the

ordination, it would be necessary to go back a step to the ordination itself, which, having taken place with a circumstance essential by the law of the Church, but in violation of the law of the land, would at least be open to most serious doubt, and, in my opinion, would not be recognised as of any operation. It is true that a bishop is of the universal Church, and that the name of the diocese only expressed the local limits within which, for the good order of the Church, he is to exercise jurisdiction ; but it appears that, by the law of the Roman Catholic Church, the use of the name of the diocese is essential to the due exercise of episcopal authority. The Bill, if passed into a law, will, I own, it seems to me, therefore, put the duty of the bishops as bishops, into inevitable conflict with their duty as subjects. Nor do I think that, if the Bill means anything, the mere play upon words of describing the bishops as bishops in Dublin, or the like, can solve the difficulty. As I have already said, the name of the diocese only expresses the local compass within which the bishop is to exercise his functions ; if so, it can make no real difference to describe the place by 'in' or 'of.'"

He went on to say, that—

"the Bill, if passed into a law, will very seriously interfere with the legal exercise of episcopal functions by the Roman Catholic archbishops and bishops in Ireland, and with the legal *status* of priests hereafter to be ordained by them. I cannot help adding, that I have such reason to be persuaded of the lamentable consequences which would follow, that it is with the utmost reluctance I have been compelled to arrive at this conclusion."

It was the opinion of counsel that the Bill, if passed into law, would not only interfere with the legal exercise of the functions of the Roman Catholic Archbishops and Bishops of Ireland, but also with the legal status of the priests ordained by them. That opinion was confirmed by another opinion which had been given by Sir FitzRoy Kelly; also by the opinion of Mr. Badeley and other legal gentlemen, which he (Mr. Moore) had not in his hands, but which his hon. and learned Friend the Member for Athlone would read in connexion with this case, and which not only bore out but reinforced the opinion he had just read. Who would now venture to assert that the law which rendered it impossible for a bishop to ordain a priest, except by violating either the law of his Church or the law of the land, was an interference only with the temporal incidents, and not an interference with the most essential and vital parts of religion ? and, that being the case, it therefore was necessary that those preliminary forms required by the Standing Orders of that House should have been observed. It was also objected that this was only the constructive effect of the Bill; that it was not implied by the title, and was not intended by it. He denied that it was merely the constructive effect of it, or that it was not implied by the title; and if it were not intended by the framers of the Bill, their want of knowledge originated in levity or carelessness, for which he (Mr. Moore) was not answerable. Not being a lawyer, he could not well distinguish between constructive and direct effect. He thought they very often ran so closely together that it was impossible to distinguish clearly between them; but in this case he asserted it was a direct effect that the Bill must necessarily interfere with the action of their bishops. It would make ordinations by them illegal, null, and void; and, therefore, what he had stated was the direct effect of the Bill as closely as effect could follow cause. With regard to the assertion that it was not included in the title of the Bill, would any hon. Gentleman argue that it was only necessary to slur over the title of a Bill, no matter how destructive it might be to the interests of religion, and that it might be to the interests of religion, and that it could be introduced into that House without observing the preliminary form ? But he contended that the very title of this Bill proclaimed its object, and he maintained that it was impossible to prevent Dr. Murray from assuming the title of Archbishop of Dublin, without at the same time making void his ordinations. Would any one say of a law which prevented a tailor from using his needle, a shoemaker from using his awl, a weaver from using his shuttle, that the effect was constructive ? This Standing Order was enacted in the year 1773. A Bill was introduced in that year for the relief of the Protestant Dissenters; it was introduced without a Committee of the House. The Standing Order did not then exist. The Bill then went to the Lords, and he found the Bishop of Bristol and other bishops protesting against it because the real construction of the Bill was not indicated in its title. It was said that it was not the Bill the House intended it to be, and, therefore, it was negatived in the Lords. He (Mr. Moore) had asked the noble Lord at the head of the Government, when he applied for leave to introduce the Bill, to give them some inkling of the details; and his answer was, that until the introduction of the Bill into the House, they had no right to know anything about it. The noble Lord, in that sarcastic manner which always produces such an effect on the benches behind him, said they had two choices either to consent to the introduction of the Bill, or to wait until it was introduced to obtain a knowledge of its provisions. Now, when the hon. and learned Attorney General said there was something in the Bill that would prevent synodical action, if that statement had been made in a Committee of the House, a discussion would have arisen, and all the blunders that had been committed would have been avoided. If ever there was a Bill to which this Standing Order was intended to apply, it was the Bill now before the House; for the Standing Order was introduced in the first instance for the purpose of preventing Bills being surreptitiously introduced without being sufficiently sifted in Committee. He was aware, that even if the measure were originated in Committee, they would not be able to learn the whole of the details; but they would have been able to make the inquiries that they thought were necessary, and to obtain the information they deemed to be requisite. That was his case; he thought he had proved, on the testimony of Dr. Murray, that this Bill would affect ordinations; he had proved, by the admission of the noble Lord at the head of the Government, and by the testimony of an eminent lawyer, that it would affect ordination; and no person could deny that ordination was not a temporality. He repeated that this Bill would render it impossible for a bishop to ordain a priest consistently at the same time with the law of the land and with the law of his Church. He, therefore, contended that this was a Bill clearly affecting, not the temporal incidents of religion, but the most vital parts of religion itself. In conclusion, he should, therefore, move—

> "That the Standing Order which requires that Bills concerning religion should be first considered in a Committee of the whole House be read, and the Order for the Committee on the Ecclesiastical Titles Assumption Bill be discharged."

SIR GEORGE GREY: Mr. Speaker, I will not enter into the question of the expediency of introducing this Bill in a Committee of the whole House—that is not the question we have to consider—but I wish to set the hon. Gentleman (Mr. Moore) right on one point connected with that part of the subject. He said that if this Bill were introduced in Committee, Gentlemen would have the advantage of hearing an explanation of its details; but I must remind the hon. Gentleman that the advantage he speaks of is only imaginary. My noble Friend (Lord John Russell), in a Committee of the whole House, would not be compelled to enter into more minute details respecting the provisions of the Bill than he was obliged to do when he asked for leave to bring it in. My noble Friend did not say that the only question was whether the Bill should be brought in or not; he went largely into the details, in the identical terms he would have used if he were addressing the Chairman of Ways and Means at the table, instead of addressing you, Sir. The hon. Gentleman (Mr. Moore) said, the Standing Order was made in the year 1773, in consequence of proceedings that had taken place with respect to a Bill to which he referred. Now this Standing Order bears date in the month of April, 1772, a year before the introduction of that Bill. I hold the Standing Order in my hand; it is dated the 30th of April, 1772, and it directs that no Bill relating to religion, or the alteration of the law relating to religion, shall be brought in until the proposition shall be considered in a Committee of the whole House. There was another Resolution with regard to Bills respecting trade; but whether this Standing Order was passed in 1772 or in 1773 is immaterial, for I think I shall show that, whether it was passed in 1772 or in 1773, it was not a new Standing Order, but the separation into two Orders of an old one passed in 1703. The hon. Gentleman will find that in the old Standing Order of 1703, religion and trade are combined; but by the Standing Orders of 1772, they were separated. The Bill to which the hon. Gentleman refers was introduced in 1773; and as to the date of the Standing Order, I beg to recall this fact to his mind, that, whether it was dated in 1772 or 1773, it was not a new proposition, but a mere division of an old Standing Order. The real question is whether this is a Bill which falls within the terms of the Standing Order relating to religion, adverting to the provisions of the Bill, and adverting also to the series of precedents by which the House has placed a construction upon those Orders. The hon. Gentlemen is right in assuming that this point does not come by surprise on the Government. We have considered the point, and the opinion of Mr. Speaker has been obtained on the subject; but if the hon. Gentleman can show that notwithstanding our precautions, an error has been committed, no objection can be taken to the course the hon. Gentleman now proposes to take; and if from any additional information derived from the printing of the Bill, you think it right, Sir, to change your opinion, I am sure you will do so without being influenced by the opinion you have already expressed. How does the hon. Gentleman show that this Bill falls within the class of Bills to which the Standing Order refers? The hon. Gentleman first referred to a letter which had been addressed by Archbishop Murray to the right hon. Gentleman the Member for Ripon (Sir James Graham), in which reference is made to acts done by an archbishop or bishop. Those words, however, are not included in the Bill, though on the use of them the hon. Gentleman has founded much of his argument. The omission of the word "acts" weakens very much, if it does not utterly destroy, the case made to the House by the hon. Gentleman. The hon. Gentleman then refers to what fell from my noble Friend the First Lord of the Treasury in reference to the word "acts;" but the Government thought it expedient not to introduce the word into that Bill, and everything, therefore, which the hon. Gentleman has said, founded upon the word "acts," should be excluded from the consideration of the House. Then the hon. Gentleman says that counsel's opinion has been taken upon the point; but I must caution the House against taking counsel's opinion as binding upon them, especially without knowing what was the case laid before them. The House must decide on the construction of its own Orders, and cannot be bound by counsel's opinion. The hon. Gentleman goes on to state that it is impossible that ordination, confirmation, or the administration of the sacraments could be carried on as they hitherto have been, if this Bill passes. He draws the inference from the legal construction which, under the advice of counsel, he places on the first clause of the Bill, that the Archbishop of Dublin, if this Bill passes, will be unable to perform any of those acts which he now performs as Archbishop of Dublin. Now I must remind the House that the prohibition to which he refers has been in force from the year 1829 up to this time. Yet the hon. Gentleman says that, although untouched by the operation of that Act, confirmation, ordination, and the administration of the sacraments have been carried on by the Archbishop of Dublin, his powers are now to be interfered with for the first time by this prohibition, which is co-extensive with the prohibition of the Act of 1829. The hon. Gentleman has not adduced many precedents on which to found this Motion. I think I have shown that the arguments on which he contends that this is a Bill affecting religion are not sound and valid arguments, and are merely founded upon the supposed insertion of words in the Bill that are not in fact there. In the year 1831 a Bill was before the House to legalise the marriages of Roman Catholics by their own clergymen; that was a Bill directly affecting the spiritual functions of the Roman Catholic clergy, and referring to a sacrament of the Roman Catholic Church; and that Bill was not introduced in a Committee of the whole House, but as an ordinary Bill, and thus passed through all its stages. There was also the Bill to reduce ten Protestant bishops in Ireland. In that case the objection was taken by the late Sir Robert Peel. He objected to it on the ground that the Bill affected religion and the spiritual offices of bishops of the Church of England; but although on another and distinct ground a Committee of the whole House was thought necessary, that objection was overruled on the ground that it did not come within the class of Bills contemplated by that Standing Order, though, according to the argument of the hon. Gentleman (Mr. Moore), the decision would have been the other way. If you, Sir, should be disposed to favour us with your opinion, I am sure the House will receive it with deference.

Mr. ROEBUCK said, that before the right hon. Gentleman in the Chair favoured them with his opinion, he wished to observe that no argument could be founded on the late stage in the proceedings at which this objection had been taken. He could cite a precedent in the matter. After the Irish Temporalities Bill in 1833 had passed the first and second reading, an objection was taken by the late Mr. Charles Wynn on the ground that it affected taxation; and, in consequence, the Bill was withdrawn. A Resolution was afterwards passed in a Committee of the whole House, and the Bill again introduced, based on that Resolution. That case disposed of the argument that the present objection had not been taken in time. The Catholic Emancipation Bill of 1829 was first brought by Resolution before a Committee of the whole House; and he contended that the present measure, as one altering the law regarding religion, ought to undergo the same routine. At present, a Roman Catholic Bishop might be appointed to any portion of the territories of the United Kingdom not already held by bishops of the Established Church. If the Bill before the House did not become law, there might be a Bishop of Westminster, and he could accept bequests made on behalf of the Roman Catholic Church. The second and third clauses of the Bill, however, would prevent such person from acting on charitable bequests. These clauses related to matters of religion; and so much was the noble Lord at the head of the Government convinced of this that he had resolved to expunge them from the Bill. With regard to the Standing Orders of the House, he must say he had great faith in the wisdom of our ancestors in so far as they were concerned, and he had seldom seen those Standing Orders altered with advantage. Such changes, indeed, were generally followed by mischief, and the wisest course for the House was to act faithfully upon them. Holding these views, he thought that such a Bill as the present ought to be in the first place submitted to the opinion of a Committee of the whole House.

Mr. SPEAKER: I have been appealed to by the hon. Gentleman the Member for Mayo (Mr. Moore), by the right hon. Gentleman the Secretary of State for the Home Department (Sir George Grey), and by the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), to state my opinion in reference to this matter; and the House will, I trust, allow me to express it as briefly as I can, and to quote one or two precedents that appear to me to bear upon the point. There is no authorised definition by the House of the meaning of the term "Bills relating to Religion," used in the Standing Order; but so far as I have been able to collect from the interpretations that have been given to that term in the House, and the course that has been followed on various Bills relating, in different degrees, to religion, I incline to think that it is not necessary for any Bill to go before a Committee of the whole House, unless that Bill relates to the spiritualities of religion. The Church Temporalities Bill, which the hon. and learned Gentleman (Mr. Roebuck) has quoted just now, was introduced, as he has stated, without a Committee of the whole House, and went through a few stages; and then an objection was raised by an hon. Gentleman, not now a Member of the House (the late Mr. Charles Wynn), on the ground that it related to religion, and also that it was a measure in the nature of a Tax Bill. That Bill was referred to a Committee, to search for precedents bearing upon it, and the Committee reported that the Bill, being in the nature of a Tax Bill, should have been begun before a Committee of the whole House. It was thus shown that the Bill was not considered to have reference to religion, and was not within the meaning of the Standing Order; and the House went into a Committee of the whole House upon it, as they would on an ordinary Bill relating to taxation, and the Standing Order relating to religion was not referred to. That Bill went through all the forms that an ordinary Tax Bill goes through, without any reference to the question of religion; therefore, so far as the Church Temporalities Bill may be taken as a precedent, the interpretation I have given of the Standing Order is proved to be correct. Then came the Bill which was founded upon a Report of the Ecclesiastical Commission. That Bill was not introduced in a Committee of the whole House; it was supposed to refer to ecclesiastical matters, and not to spiritualities; and therefore did not come under the Standing Order. Then there was the precedent alluded to with regard to the Bill legalising Roman Catholic marriages: that was introduced without going before a Committee of the whole House. Under these circumstances, I considered that the Bill now before the House was not one which it was necessary to introduce in a Committee of the whole House. I was consulted by the right hon. Gentleman (Sir George Grey) before the Bill was introduced, without then knowing the tenor of the different provisions which are now in the Bill; but having since carefully considered all those provisions, especially the second clause, and the clauses pointed out by the hon. Member for Mayo (Mr. Moore), I adhere to the opinion, formerly expressed, that the Bill is not of that nature which requires it to be introduced in a Committee of the whole House.

Mr. M. GIBSON said, that if he understood the right hon. Gentleman rightly, the precedents on the case were various, and the conclusion, one very difficult to come to. He wished to inform himself a little better on this matter, for he must confess that he thought the speech of the hon. Member opposite (Mr. Moore), and that of the hon. and learned Member for Sheffield (Mr. Roebuck), were calculated at least to throw considerable doubts upon the question of whether the Bill should be referred to a Committee of the whole House. He understood the argument of the right hon. Gentleman in the Chair to be, that if the present Bill were such a Bill as the Church Temporalities Bill, it would be necessary to refer it to a Committee of the whole House. The question, then, was whether the Bill was such a Bill—one directly concerning religion; and, if so, whether it was not necessary that it should be referred to such a Committee? He did not understand that the right hon. Gentleman in the Chair was the proper authority as to the meaning and purport of a Bill, but rather as the exponent of the rules of that House; and if it could be shown to the Chair that the meaning and purport of a Bill was of such a character as to bring it within any of the Standing Orders, then, he believed, it was the duty of the Chair to decide. He thought that the question was precisely a case for counsel. The Bill stated in its preamble, that whereas the doctrine and discipline of the Established Church in England, Ireland, and Scotland, was permanently established, and the titles of the bishops of that Church were also fixed by law, the assumption of such titles by any other persons should be prohibited. Was it not obvious that the meaning of the preamble was, that the titles of certain sees belonging to our religion had been long established, and that the bishops of another should not be allowed to adopt them? That being the case, it appeared to him distinctly that the Bill came within that class which were styled Bills relating to religion. It certainly was a Bill for the purpose of protecting existing bishops in the possession of their sees; and unless it were contended that the Church and the bishops had nothing to do with religion, he did not see how the Bill could be taken out of the category to which he had alluded. With regard to the Irish Temporalities Bill, he had turned to the debate on that subject, and he found the Speaker of the day to have drawn a very clear distinction between the duty of putting a construction on a Bill, and that of explaining to the House the nature of the Rules and Standing Orders. The Speaker then said that it was not his province to put any construction on a Bill, but simply to lay down the Rules as to the Standing Orders. Why, when they found the most eminent counsel differing as to the character of the Bill, and some telling them that it affected spiritual functions, was it to be expected that Mr. Speaker should give an opinion on so very difficult a question? It was a Bill in which the very framers themselves did not understand the meaning of their own clauses—in which the law officers of the Crown mistook their own provisions; and could it be expected that Mr. Speaker could explain such a Bill? He maintained that the House must look into the measure themselves, and having prepared a proper case, then they might submit it to Mr. Speaker. If it had been found necessary, in the case of the Roman Catholic Relief Bill, to go to a Committee of the whole House, preparatory to the removal of disabilities, surely *à fortiori* they should go to a Committee of the whole House when those disabilities were to be reimposed. In referring to the debate on the Church Temporalities Bill, he found that the hon. Baronet the Member for the University of Oxford (Sir Robert Inglis) had insisted that every opportunity for discussion should be given on a question that concerned the Church; and precisely on the same ground he (Mr. M. Gibson) said that the Roman Catholics of this country and of Ireland should have every possible facility for discussing a measure so vitally affecting their interests. Perhaps it would not be an improper course for him to suggest that a Select Committee should be appointed to search for precedents, and to report their opinion whether the Bill as affecting the assumption of Ecclesiastical Titles should in the first instance be referred to a Committee of the whole House.

Mr. GRATTAN, in seconding the Motion, said he should be speaking against the evidence of his senses if he said that the Bill did not affect religion. No man in England, Ireland, Scotland, or Europe, could believe that this was not a Bill affecting the religion of the country. If it did not affect the religion of the Roman Catholics of this country, what else did it affect? What had they been talking about for the last three months? It could not affect the temporalities of the Roman Catholic clergy, for they had none. They were supported altogether on the voluntary principle, and the State having given them nothing, could take nothing from them. He hoped the House would accede to the Motion of the right hon. Gentleman the Member for Manchester, in order that full justice might be done to individuals who were on their trial, and who were entitled to the benefit of the law, the whole law, and nothing but the law.

MR. REYNOLDS said, he understood the right hon. Member for Manchester (Mr. M. Gibson) to suggest the appointment of a Select Committee.

MR. SPEAKER said, the question before the House was, "That he should now leave the Chair." If the House was of opinion that a Select Committee should be appointed, they must negative the Motion that he now leave the Chair.

MR. REYNOLDS said, he would move the adjournment of the debate.

MR. W. PATTEN must deprecate the adjournment of the debate, because it would not advance the matter a single step.

MR. O'CONNOR said, that was exactly what the hon. Member for the city of Dublin (Mr. Reynolds) had in view.

MR. HUME thought it would be consistent with the rules of the House to adjourn the consideration of the present question, and afterwards appoint a Select Committee.

MR. KEOGH said, that as he understood the decision arrived at was that the Bill did not come within the Standing Orders, as not affecting questions of a spiritual nature, he begged to submit that such decision involved a consideration of the clauses of the Bill. And although he admitted that the House was not to be bound by the opinions of lawyers, yet he hoped he might be allowed to remind the House that this Bill had been brought under the consideration of the highest legal authorities in the country. He did not allude to the opinion of Mr. Bethell, but to an express opinion as to whether the spiritualities of the Roman Catholics would be affected by the legislation of this Bill. The question had been submitted to three of the most eminent counsel in England — Sir FitzRoy Kelly, Mr. Brodie, and Mr. Badeley: the last-named gentleman one peculiarly versed in ecclesiastical law. The following was the opinion of those eminent counsel:—

"We are of opinion that the Bill in its original state, and containing the 2nd and 3rd clauses, as well as the 1st and 4th, would render it illegal for any Roman Catholic archbishop or bishop to exercise his official functions, as archbishop or bishop of any province or see in the United Kingdom of Great Britain and Ireland, though such functions were merely episcopal and spiritual, and had no reference whatever to any temporal rights or authority. We apprehend that the episcopal and spiritual functions of any archbishop or bishop can only be regularly and lawfully exercised within the limits of some province or diocese canonically assigned to him as the archbishop or bishop thereof, or within some other province or diocese by the permission of the archbishop or bishop of such other province or diocese; and that as he could only exercise such episcopal and spiritual functions within the limits of his own province or see as the archbishop or bishop thereof, by that name and title, and under the authority of that office, it follows that this Bill would render it unlawful for him to perform regularly the proper duties of his office, although merely episcopal or spiritual, such, for instance, as those of ordination, of visitation, and the maintenance of discipline amongst his clergy."

Now this was a great constitutional question, one which had affected former Bills, and which would affect future Bills, not only with reference to the Roman Catholic religion, but measures affecting the Established Church; and he put it earnestly to both sides of the House, whether, in the face of such an opinion, they would decide that this Bill did not affect the spiritualities of the Roman Catholic religion. He hoped the House would pause before it deprived the Roman Catholics of the sister kingdom of any of those bulwarks which the Standing Orders of that House had thrown around their liberties. The rule was a wholesome one, and observed by those distinguished individuals who introduced the Roman Catholic Emancipation Bill of 1829, and he hoped that in a case of this kind, where a Bill was before the House, which if carried would have a penal operation, the rule laid down in the Standing Orders would be complied with. Without the slightest wish to disparage the authority of the Chair, he apprehended that they were not to understand that Mr. Speaker was to decide on the legal construction of a Bill; and, that being the case, what legal authority had they to controvert the eminent opinions he had just quoted? There was no hesitation in that opinion; and let him remind the House that this Bill, when first introduced, was declared, by competent authority, to intend one set of results; and that it had scarcely been laid on the table when the first law officer of the Crown declared it to have a directly contrary effect. He hoped, under these circumstances, that the House would consent to refer the Bill to a Committee.

The SOLICITOR GENERAL said, that the question for the House to consider was, whether this was a Bill relating to religion, and therefore coming within the meaning of the Standing Order. Now, the first words that would strike any one in the Standing Order were, "faith and doctrine," and no one would dream that they referred to ecclesiastical management, superintendence, and jurisdiction. He thought that the case cited by the hon. Member for Mayo (Mr. Moore) tended to prove that, for it was a Bill to relieve Dissenters from subscribing to certain articles of faith. The appointment of this Select Committee on Religion, dated as far back as 1703, and was merely a modification of the former practice of having a permanent grand Committee on religion. What they had to consider was this, did this Bill affect in any way matters of faith and doctrine, or spiritualities of any description? The argument put was this: the Roman Catholic Archbishop of Dublin said, "I cannot perform duties of ordination or confirmation if this Bill pass." How were they to understand that? Were they to suppose that ever since 1829 there had been no ordination or confirmation in Ireland except in the case of the Bishop of Galway, who did not come within the Emancipation Act, his see having been created since 1829, and possibly the person who called himself Archbishop of Tuam, who might say that there was no Protestant archbishop of his see? Because, be it remembered that precisely a similar clause was in the Emancipation Act. There was nothing before the House to assure them that such was the fact. Again, he apprehended that no one would assert that Dr. Wiseman could not ordain and confirm as well as Bishop of Melipotamus as if he were recognised as Archbishop of Westminster. The real meaning of Dr. Murray's statement was this: "There are certain temporal advantages to the person ordained by me as Archbishop of Dublin which he would not possess if he were ordained by me under any other title." But that was clearly out of the precincts of religion. It dealt with temporalities merely. Every one admitted that this was a question of temporality, and that they were not going into a Committee on religion. The right hon. Gentleman the Member for Ripon (Sir James Graham) had argued on a former occasion that the second clause of the Bill would prevent evidence of ordination being given in a court of justice; but evidence of ordination had nothing to do with the spiritual act, nor did this Bill alter the law in that respect, for if such evidence could be given under the Act of 1829, it might be given, notwithstanding any penalty the Bill imposed. As to the opinion of counsel, he had the highest respect for the authority of the legal gentleman referred to; but he remembered that Mr. Willes' opinion had been given upon a case—and the others were probably the same—in which he said: "I am instructed that the Archbishop cannot ordain and confirm under the present Bill; and if that be so, my opinion is, that it will have such and such an effect." Now, in the first place, if the learned counsel were truly instructed, then the Roman Catholic Archbishop of Dublin and all the Catholic bishops of Ireland must have been under an interdict for the last twenty-two years. Was such a statement made to the learned counsel? He (the Solicitor General) would venture to say that nothing of the kind was even hinted at; nor would any one seriously contend that a Roman Catholic bishop's spiritual functions depended upon the title which he assumed. The probability was that the other eminent authorities had been similarly instructed; and the case suggested by the right hon. Member for Ripon was, that if the Bill passed, Roman Catholics would be prevented from doing what they might do under the existing law. But there was no authority either in or out of that House, he apprehended, who would assert that the bishop's spiritual functions were at all affected by the title he assumed. It was difficult to act on any opinion, without knowing the facts on which it was given: he would rather trust, then, to the opinion of Mr. Speaker than that of lawyers who had not heard the case discussed, and the value of whose authority would depend on the nature of the case submitted to them. The argument of the right hon. Member for Manchester (Mr. M. Gibson) that Mr. Speaker's opinion was of value only as to the Standing Orders of the House, and not as to the construction of the clauses of a Bill, did not apply to this case; for unless Mr. Speaker gave an opinion upon the clauses, how could he decide whether a Bill ought to have originated in Committee or not? He thought the right hon. Gentleman in the chair had arrived at the correct conclusion, and one that was fully borne out by the whole course of precedent. The Church Temporalities Bill of 1833 was a strong case in point. By that Bill ten out of twenty-two bishoprics in Ireland were abolished. Had the ten bishops whose sees were thus abolished, no spiritual functions? Did not that Act interfere with ordination and confirmation by handing over the people of one diocese to the bishop of another? The right hon. Member for Manchester (speaking *ad invidiam*) said, that when they were removing disabilities, the House went into a preliminary Committee, but that when they were imposing disabilities, they did not think it necessary to go into Committee. But the right hon. Gentleman must be perfectly aware of the reason why the House went into Committee on the Catholic Relief Bill—it was because that by it they were altering an oath, and so far were interfering with religion. The same reason applied also to the Jew Bill. The hon. and learned Member for Youghal (Mr. C. Anstey's) Bill, and Mr. Watson's Bill for repealing certain disabilities from Roman Catholics which remained after the passing of the Emancipation Act—neither of them had originated in a Committee of the whole House. It was not, then, as the right hon. Member for Manchester had stated, that when the object was to get rid of disabilities, as many difficulties and delays were thrown in the way; but when the object was to impose disabilities, their legislation was hurried through as fast as possible. There was another point for consideration. What was meant by religion when the House passed this Standing Order? Faith and doctrine, no doubt; but was it not the faith and doctrine of the Established Church? The object of the Standing Order was, that they should not tamper with or alter the faith and doctrine of the Established Church; and therefore every Bill referring to that faith and doctrine must be preceded by a resolution of the whole House. The Grand Committee on Religion he had traced back to the time of James I.: would any man tell him that Parliament then had no intention to alter the relations of the Roman Catholic Church without the safeguard of such a Committee? He did not say whether the view taken then was right or wrong; but he was not sorry—bearing in mind that the Roman Catholics then were a very different body from what they were now—that they should have, as far as possible, the free and unfettered exercise of their spiritual functions. But in speaking of Standing Orders, discussing dry legal questions, and reading legal opinions, they must take them in their strict legal sense; and no lawyer would say that the present Bill changed or dealt with the internal construction or the free exercise of the established religion. As he had said, the Standing Order had reference to the established religion, and to say that the Bill affected the established religion was out of the question. The only argument which had been advanced on this point was, that which, taking up the recital, not of this Bill, but of a clause in another Bill, stating that the Protestant bishops having a legal title to their sees, no other persons should assume those titles, urged that in that respect this Bill went to alter the law; but surely this was an argument which would not stand for a moment. The practice of the House was, that no Bill affecting the established religion of the country should be brought in without a preliminary Resolution passed by a Committee of the whole House. He doubted whether that could be taken as an alteration of the law, in the sense meant, which added to the securities of that religion. What was meant, as he apprehended, was to guard against any tampering with or weakening the existing securities, not that they should not alter by strengthening and adding to them. The House had not gone into a Committee of the whole House on the Tithe Commutation Bill, on the Vestry Bill, on the Church Establishment Bill, on the Repeal of the Disabilities Bill; and after these precedents the House would stultify itself if it adopted another course. But even supposing it was meant that they should not even increase or improve those securities without a preliminary Resolution, still he contended that to enact that prelates of the Roman Catholic Church should not assume certain titles, did not affect the case for which the Standing Order was provided. The spiritual functions of those prelates remained untouched by the Bill; and seeing the whole course of precedents was in favour of the opinion which they had heard from the Chair, he trusted the House would not stultify itself by coming to an adverse decision.

Mr. GLADSTONE said, it would be a matter of great importance that they should know exactly what the question was that they were going to vote upon. If the question was whether the debate was to be adjourned, he would vote against that proposition. If the question was—that Mr. Speaker do not leave the Chair, he would, as an opponent of the Bill, vote in its support; and if the Motion was to appoint a Select Committee to examine this question, and to report to the House, he must say that it would have his hearty support. One useful result had followed this discussion—they must on all hands admit that the precedents upon the point at issue were in a most unsatisfactory state. It was impossible to show any principle, or to apply any rule, which would reduce the precedents before them, so as to make them form one consistent and intelligible whole. The labours of such a Committee might probably lead them to the conclusion that there was no sufficient reason for sending this Bill to a Committee of the whole House. But that would be a most valuable result to obtain for their future guidance, namely, that they should have a rule laid down which would lead to a greater degree of precision and uniformity in the practice of the House upon matters of considerable importance. The hon. and learned Gentleman who had just sat down argued the case with very great fairness and ability. He (Mr. Gladstone), however, could not say that he agreed with him in all the conclusions he had arrived at. There had been two main questions placed before the House. The first of all is, what is the meaning of your Standing Orders? What is the meaning of the word religion? Does it include any religion except the established religion; and, if it does, are the Catholics touched or not in their spiritualities? One point comes out of all these precedents—those, at least, having special reference to the point at issue—there is no case of a Bill, relating chiefly to ecclesiastical dominion, which has been referred to a Committee. As far as the abolition of the bishoprics in 1833 was concerned, the precedent very feebly applies. What in popular phraseology was termed an abolition, when they came to look into the Act itself, would be found to be no such thing. The Act only said that two or more bishoprics might be held at one and the same time, by one and the same person, but it did not touch the question of ecclesiastical jurisdiction at all. The Ecclesiastical Commission Bill was a stronger case as affecting ecclesiastical jurisdiction, for it abolished "peculiars," and founded a new jurisdiction in place of the old. He must say, that it appeared to him that there was some colour for the proposition before the House. The hon. and learned Gentleman the Solicitor General says that the Order of the House does not refer to religion in general, but to the religion of the country; and what is that if it be not the established religion? And he moreover says that the temporalities of the Church are not affected, because the bishops can ordain, irrespective of their diocesan titles. There is no doubt that the orders of the Church gave them that power; but where they found them ordaining under certain circumstances and you interfered, and by any act rendered these ordinations illegal, then they were interfering with their spiritualities. He (Mr. Gladstone) must, however, confess he leaned to the conviction that the religion meant in the Standing Orders was the established religion. But if that was so, what was the course of precedent? There was no consistent or uniform precedent for the case from 1772 to the present time that would lead to the inference that a Bill affecting the state of religion ought to pass through a preliminary Committee. He confessed that the proceedings of 1772, assuming that they had been correctly stated, would lead to an inference that Bills which tended to affect the securities of the established religion, should pass through a preliminary Committee. But, then, they were met by the fact, that the Act of 1788 for the relief of Roman Catholics was introduced into that House without any preliminary Committee. He had precedents most uniformly showing that Bills which tended to affect the securities of the Established Church ought to pass through a preliminary Committee. The Act of 1829, for the relief of Roman Catholics, as well as the Act of 1828, for the relief of Protestant Dissenters, all Bills of that nature, except, indeed, that which had been brought forward for the emancipation of the Jews, were introduced into that House through the medium of a preliminary Committee. Well, then, his hon. and learned Friend the Solicitor General said that was because those Bills had a tendency to affect the securities of the established religion of the country. He (Mr. Gladstone) thought that the Bill which had been passed as to the making of affirmations instead of oaths by Quaker witnesses in courts of justice, was a conclusive objection to the doctrine laid down by his hon. and learned Friend. The natural consequence to be derived from all these facts it had been argued was this—the Standing Orders are intended to protect the religion of the country, and when you deal with securities, whether they be for good or for bad, you must pass through a preliminary Committee. It was contended, upon the other hand, that when you strengthened them, such an ordeal was not necessary. He believed, however, that as far as there was any sound doctrine upon the subject it was this, that all Bills affecting religion ought to pass through a preliminary Committee. The principle ought to apply both ways; it was not like the case of repealing a tax; they need not then go into a Committee, because the remission was in favour of the entire community. But the case was essentially different here; because whatever they were giving to one, they were taking away from another. That such was the character of the present Bill, he apprehended there was no doubt. The preamble was to this effect:—"Whereas the assumption of titles in respect of dioceses in this country by any other than bishops of the Established Church is inconsistent with the rights of that Church." It appeared to be clear, therefore, that this Bill was one which was intended to strengthen the securities of the established religion of the country—that they had a rule that Bills dealing with these securities generally should pass through a preliminary Committee—and that the question was whether they would apply that rule to Bills which purported to increase those securities, although they might increase them at the expense of inflicting disabilities upon other parties who did not profess that established religion. And as to the case quoted, of the Bill introduced by the hon. and learned Member for Youghal to remove certain Roman Catholic disabilities, that was a Bill to repeal certain penalties, and could hardly be construed as one exactly in point. The question, however, was one involved in such considerable difficulty, that it would be, whether with reference to this particular Bill, or for their guidance in future legislation, most desirable to appoint a Committee of Inquiry, who should decide it by placing an authoritative construction upon the rules of the House.

Mr. SADLEIR said, that the Bill did affect the spiritualities of the Roman Catholic Church. He believed this was an attempt to strike down the Roman Catholics in all things relating to their rights and privileges, which was not contemplated in the Act of 1829. He was surprised that the hon. and learned Solicitor General was not aware that ordination in the Roman Catholic Church depended on title and local jurisdiction, and that no bishop had power to ordain or confirm outside the limits of his own see. The vicars-apostolic ordained only as the delegates of the Pope, and not in respect to their own offices.

Lord JOHN RUSSELL: I see no ground, Sir, for further delay. With respect to the case of the House going into a Committee of the whole House, that has been almost uniformly, if not entirely, on questions respecting religion or spiritual matters. With respect to the cases referred to by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), one of them was the Bill for the repeal of the Corporation and Test Acts, which I had the honour of introducing; that was, whether persons, on accepting the municipal office, should be exempted from taking the sacrament—being clearly a question of a religious nature. The next case was upon the question whether the Roman Catholics should be released from the disabilities imposed upon them by a declaration against transubstantiation and various other doctrines of the Roman Catholic religion; both instances—in the one case, with respect to a sacrament; in the other, with respect to a declaration against transubstantiation—being supposed to be securities in favour of the religion of the country. I consequently think that these precedents do not in the least tell upon the present case. I will not go into the arguments which my hon. and learned Friend the Solicitor General has so clearly stated to the House; but I own I do not think there is any ground on the present occasion for referring this question to a Select Committee. Then the further difficulty arises—according to the statement of the right hon. Member for the University of Oxford (Mr. Gladstone), and according to the clear and comprehensive statement of you, Sir—that the precedents on this question are very various, and that the instances are confused, if not contradictory. It is an entirely different question whether we should not appoint a Select Committee to inquire into this subject. For my part, my impression is entirely against it, as I do not believe that a Select Committee could come to any satisfactory conclusion. Such questions must be left to the discretion of the House, to decide in each case whether it is necessary to go into Committee upon any particular Bill. I believe that, when the opinions of different lawyers are taken, we shall not have gained one step in our progress, and that it would be a most inconvenient course for us to follow. I see nothing, therefore, which ought to prevent the House from going into Committee.

Mr. BRIGHT said, that he knew this was not a very favourable time to prolong a discussion, and that he would not keep them from their dinners more than two or three minutes. If he recollected aright, when the noble Lord (Lord John Russell) spoke on a former occasion, on this Bill, he stated that the Government had discovered that the Bill, as originally introduced, did affect the spiritualities of the Roman Catholic Church or its Prelates, and that, having been informed of this, he consulted the law officers of the Crown, and they having confirmed this opinion, he proposed to withdraw some of its clauses. So far, then, they had the noble Lord owning himself that the Bill had come within the practice of the House upon that point. So far as regarded the Church of England, he (Mr. Bright) should say that this Bill distinctly had reference to the Church of England, inasmuch as it declared in the preamble that the reason for the Bill was the taking of certain ecclesiastical titles by Roman Catholic Prelates, said to be inconsistent with the rights referred to in the preamble. Then the object of the Bill was to strengthen the Prelates of the Established Church in the dignities and offices which they now enjoyed; and, if this were so, he was at a loss to understand why the rule applied in so many previous cases should not be applied in this. The House was asked to do something, which something was felt to be a great grievance by many millions of the population of the United Kingdom. It might be a necessary thing to do, or it might not. The House might be driven by an absolute necessity to pass it; but hon. Members could not conceal from themselves the fact that from 8,000,000 to 10,000,000 persons had pronounced most clearly and decisively against the Bill. Then a member of the Church which would be injuriously affected by the Bill asked them to consider whether they were not proceeding too rapidly, and whether they had not passed over a certain step which the Established Church insisted upon for itself, for the purpose of defending its own position—whether in attempting to pass a Bill, which was felt to be a grievance by 8,000,000 or 10,000,000 of the inhabitants of the United Kingdom—they were not proceeding more rapidly, in a manner less fair and cautious, than they should proceed if the proposition were to aggrieve the members of the Church as established by law? He was not going to say the Roman Catholic Church stood in the same position as the Established Church; but the members of the Roman Catholic Church stood in the same position, when they asked for the consideration of the House in matters affecting themselves, as did the members of the Established Church. He thought the noble Lord (Lord John Russell) ought not, by a mere majority, to override the view of the Roman Catholic Members of that House, and of a large portion of the population of the country; but that he ought to be even more careful when he was taking away the rights now enjoyed by the Roman Catholics, than if he was doing something to affect the power of the dominant Established Church. He would not argue the point legally; but if there was any doubt on the question—and he thought the speech of his right hon. Colleague (Mr. M. Gibson) showed that there were doubts—then the noble Lord ought to refer it to a Select Committee, and so satisfy the Roman Catholics throughout the United Kingdom that when questions affecting them were before Parliament, the House proceeded with as much caution as if it were a question affecting the Established Church.

Motion made, and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 53; Noes 179: Majority 126.

Question again proposed.

Mr. LAWLESS moved the adjournment of the debate.

Mr. SPEAKER: The hon. Gentleman cannot move the adjournment of the debate.

Mr. LAWLESS: Then I move the adjournment of the House. Though not a Catholic Member, he was an Irish Member, and felt as much as a Catholic Member, that Ministerial majorities in that House, however large, ought not to treat with disrespect the feelings of their Catholic fellow-subjects. The majority upon this occasion did not seem disposed to listen to the justice of the case at all. [*Cheers.*] Yes, and that cheer showed him how right was his opinion. He therefore moved that this House do now adjourn.

Mr. GRATTAN seconded the Motion. He thought the noble Lord (Lord John Russell) was pursuing a wrong course by refusing to comply with the proposition of the hon. Member for Mayo (Mr. Moore)—a proposition which, if carried, would satisfy the Roman Catholics; and he now appealed to the good sense and good feeling of the noble Lord, and begged of him to consent to the adjournment of the House.

LORD JOHN RUSSELL could assure the hon. Member for Clonmel (Mr. Lawless) that the majority on the division which had just been come to had not been composed entirely, as he seemed to suppose, of Ministerialists; for there were in the lobby some of the strongest opponents of Ministers—men who could not be moved by him to vote otherwise than as their consciences dictated. The question had been fairly discussed. He had never seen the House more attentive than it was to the speeches of the hon. and learned Member for Athlone (Mr. Keogh), the right hon. Member for the University of Oxford (Mr. Gladstone), and some other Members. The House having decided that they would not adjourn the debate, it was now proposed that the House should adjourn, in order to get rid of the Bill. This proposition made him suspect that that resolution which hon. Members told him they had come to some time ago—not to make any factious opposition to the Bill—a resolution he very much admired—he was afraid, however, they had faltered in that resolution now. The House had heard the opinions of Mr. Speaker and some competent Members; and were matters now to be reversed because there were some Roman Catholics in Ireland who might suppose that they had a better opinion of order than Mr. Speaker?

MR. REYNOLDS said, he had not been excited to offer any factious opposition by his vote at this particular stage. [*A laugh.*] That laugh induced him to state that he had no factious intention with reference to his proceedings on this occasion. His object was to afford time to the House to agree to the views of the right hon. Member for Manchester (Mr. M. Gibson). His opinion was more than confirmed that this was a grave subject, worthy of additional consideration. He was not impeaching the decision or opinions of Mr. Speaker on points of order when he said that there was considerable difference of opinion on this subject, that very high authorities differed on it, and that the Irish Members were not guilty of factious conduct in asking for consideration on so important a question. He was not aware of any such resolution as the noble Lord had stated. The hands of the Irish Members were perfectly clear, and he was afraid they would disappoint the noble Lord in their political tactics. If the noble Lord would consent to the appointment of a Select Committee, they would not object—at least he (Mr. Reynolds) would not—to proceed with the debate *pari passu* with the inquiry by the Committee. They were justified in dividing as often as they thought proper.

MR. KEOGH considered that the noble Lord himself admitted it was desirable that a Select Committee should be appointed to examine precedents. There was another conclusive reason, on account of the discrepancy which existed between the arguments of those who maintained that the Standing Orders did not apply to this question, Mr. Speaker having assigned as his reason that the Bill did not touch the spiritualities of the Roman Catholic religion; while the hon. and learned Solicitor General urged as his reason that the Bill did not apply at all to the Roman Catholic religion.

SIR GEORGE GREY said, his noble Friend did not propose the appointment of a Select Committee; he only said that was a question which ought to be separately argued. But, practically, the House had decided the question, and he therefore hoped the House would allow them to make some progress with the Bill.

MR. ANSTEY hoped that the hon. Member for Clonmel (Mr. Lawless) would not press the House to a division on his Motion. His (Mr. Anstey's) determination was to separate himself from the acts of some hon. Members from Ireland, especially when they assumed to speak in his name. He opposed the Bill, but he was no party to the species of opposition which was now set up. His reasons for opposing it were not common to him and the Irish Members, and the course which was now being pursued by those Members was not likely to conciliate or to succeed. Was it right, for the sake of gaining the small advantage of a few hours, days, or even weeks, to force the House and cripple the freedom of its deliberations, by including, under the name of religion and religious purposes, subjects which, according to the Bill, were altogether foreign to the question of religion? He called upon the Irish Members boldly to avow that their object was not to settle this question, but to get rid of it by a side wind.

MR. MOORE must compliment the hon. and learned Member for Youghal on his conversion, for he, after having spent a whole Session in obstructing all Bills, even his own Bill, was now in favour of progression. He (Mr. Moore) presumed that the fact of the hon. and learned Member holding his seat in that House contrary to the remonstrances of his constituency, had produced the sudden change in his views. The right hon. Member for the University of Oxford (Mr. Gladstone), and the hon. and learned Member for Sheffield (Mr. Roebuck), had both promised to vote for a Committee. The Irish Members only wanted to have the Committee. They had no desire to obstruct.

The House divided:—Ayes 36; Noes 145: Majority 109.

Motion made, and Question put, "That the House do now adjourn."

Question again proposed.

Mr. M. J. O'CONNELL wished to explain his reasons for offering continued and determined opposition to the Bill. The broad principle which he laid down was this—that the act of the Pope in appointing bishops with territorial jurisdiction was not such an act as ought to be met by legislation. He entirely denied that the allegiance of Her Majesty's Roman Catholic subjects was weakened or abated one jot or iota by that act of the Pope. What was the position of the Roman Catholics in Ireland up to that period? Since the passing of the Catholic Emancipation Act there had been on the Statute-book a nominal prohibition of the assumption of certain ecclesiastical titles in Ireland; but notwithstanding that prohibition, those titles were assumed in instruments binding under the canon law of the Roman Catholic Church. Whether legal or illegal, it was also well known that there had existed in Ireland a body of Roman Catholic prelates, acting in and for certain dioceses in Ireland, most of whom were called by the same style and designation as the existing titles of bishops of the Established Church. The bishops of the Roman Catholic Church were appointed by the power of the Pope of Rome. Hitherto that power had been the general power of confirmation of local elections; that was not a necessary practice; but whether they were appointed by confirmation of domestic election or not, the Roman Catholics of Ireland had acknowledged the authority of those bishops. That was the law since he came to man's estate; under that law they had lived, and were still living, and that had been the practice, independent of the act of the Pope at the close of last autumn. Were the Roman Catholics of Ireland, because they acknowledged the authority of the Pope in the appointment of bishops, less loyal and faithful subjects to Her Majesty Queen Victoria—whom God long preserve? He contended that they were neither less loyal nor less faithful, and that if the appointment of bishops to territorial jurisdiction were a violation of the rights of the Crown, they had been long living under the established violation of those rights in Ireland. What had been the state of the Roman Catholics in England? They had been governed by vicars-apostolic — a system which hon. Gentleman on the Treasury benches were ready to praise, when contrasting it with the new system. But whose vicars were they? The vicars of the Pope—episcopal curates exercising delegated jurisdiction from the Bishop of Rome—the actual Bishop of the Roman Catholics in England. Instead of directly governing his spiritual subjects in England through vicars-apostolic, the spiritual government was now to be administered by the appointees of the Pope, and therefore there was less pretence for saying the change was a violation of Her Majesty's prerogative. He was fully pursuaded that when the heats, and clouds, and mists of prejudice had passed away, future generations of Englishmen would look back on all that had taken place with self-humiliation, and would thank God that they were not as prejudiced as their ancestors, just as we could look back on the prejudices of our ancestors ninety-nine years ago, when they complained that the change of style had deprived them of eleven days. The present attempt at legislation was the result of an undefined and undefinable wish of many persons in the country that Parliament should do something. He thought hon. Gentlemen had mistaken the public mind of England, in representing that it was a Church of England movement. He did not look upon it in that light. On the contrary, he saw that not only had large bodies of Protestestant Dissenters joined in the call of this House to interfere, but amongst Churchmen many had taken part in this movement who were far from anxious to promote the increased endowment of their own Church, but would rather see that endowment reduced; and many who were decidedly unfavourable to the extension of power to the clerical portion of the Established Church. Taking into consideration that class of Churchmen, the large bodies of Dissenters, and those who were in a state of suspension between Church and dissent, who had joined in requiring legislative interference, he was driven to the conclusion that public opinion was eminently a Protestant opinion, concurring very much with that portion of the Established Church which considered that her Protestant character was rather more vital than her ecclesiastical character. God forbid that he should condemn them for that feeling! but he did condemn them for endeavouring to terminate a spiritual contest by the secular arm—to cut the Gordian knot by the sword of the State—to obtain the interference of Parliament with "the development" of Church principles. It was preposterous by any legislative act to put a stop to the unconstrained flow of religious opinions; it was a freedom as essential to the enjoyment of perfect liberty as any other of those franchises which the British public so highly esteemed. He confessed he had been surprised to find a nobleman in the other House of Parliament, a nobleman, too, not the least enlightened nor the least tolerant in that assembly, arguing in favour of legislative interference in order to check the spread of Romanist opinions. Now, the idea of asking the Parliament of Great Britain in this the 19th century to interfere to check the free current of public opinion, was as preposterous as the idea of attempting to stop the flow of the tides, and afforded a melancholy evidence of the incorrect notion which was too generally entertained of the power and duties of the Legislature. He would take the liberty of warning that body of Churchmen whom he would not call Puseyites, but who were known to have a great respect for episcopal ordination and apostolical succession, and of whom he had always understood that the hon. and learned Solicitor General was one of the brightest ornaments, that if they encouraged the British public to appeal to Parliament to put down Romanist opinions, they might find it speedily followed up by a similar appeal to put down their own. But he might be asked, if he would not consent to legislation, what would he do? To this he would reply, that if the Church of England was assailed, let her defend herself; if any of the other Protestant bodies were assailed, let them defend themselves. If the Pope's nominees should claim jurisdiction, power, or pre-eminence over any of them, lay or clerical—if they should claim any temporal or civil authority over any of Her Majesty's subjects whatever, it would then be time enough for the law to interfere; and he was sure that no loyal Roman Catholic would refuse to assist in supporting the law; but, in the meantime, he would let the spiritual authority defend itself. He confessed he was extremely sorry to see sectarian animosities again revived by this measure. Attached as he was to the Roman Catholic Church, he could assure the House that, instead of contention and strife, it would be much more consoling to him to see Protestants and Catholics engaged in the nobler and truly Christian rivalry of endeavouring to extend the knowledge of the divine law and the practice of the divine precepts among the mass of the population, who, in many of the rural and civic districts, were, he regretted to say, in a state of practical ignorance, almost worse than Atheism. He feared that the result of the present measure would be to prevent this desirable extension of Christian instruction among the mass of the people; that it would tend to make the lukewarm still more lukewarm, and the scoffer still more active against Christianity. With these views of the dangerous tendency of the measure, he would at this, and at every other stage at which a legitimate division could be taken on its merits, give the Bill his firm and decided opposition.

MR. URQUHART said, there were many points with which he was precluded from dealing when he addressed the House on a previous occasion. The noble Lord (Lord John Russell) had since opened up one branch of the question, which appeared to him (Mr. Urquhart) of the greatest importance, and on which he would now enter. The noble Lord had stated that the motive and object of the Papal Government had been, not a religious, but a political one. He stated that the Government of the Pope had been moved by hostile feelings to this country, and was the agent of a conspiracy which had for its object to prevent the extension of liberal and constitutional government, and had instigated an act which should set England in a flame. Though the noble Lord would not have admitted, if he (Mr. Urquhart) had called on him to do so, that the aggression rested on diplomatic grounds, he had now admitted that for him. The noble Lord's statement was founded on evidence. The Earl of Shrewsbury had said, "There are, I believe, parties in Rome the declared enemies of England, who are all-powerful in the councils of the Roman Court." Her Majesty's representative in Ireland, in a very remarkable letter, wrote thus: "What can I, or any unprejudiced spectator, think, except that spiritual jurisdiction is not the object in view, but rather political hostility?" When the question first arose, the natural instinct of this country pointed to that issue, and it was at once seen that the source was political, and that political source opened by England herself. The leading journal, on the first announcement of the event on the 22nd October, expressed itself in these terms:—

> "So that while one of the effects of Lord Minto's unfortunate journey was to promote the revolution in Italy, the other was to promote the re-establishment of the Romish hierarchy in England. For a Scotch nobleman, who is neither a Jacobin nor a bigot, it must be confessed that these results are strange instances of diplomatic ability."

The hon. Member for the University of Oxford (Sir Robert Inglis), endeavouring to explain, or finding it impossible to explain, the conduct of the noble Lord, said, "It must evidently be influenced by causes which are not obvious to the world;" and in the course of his speech, he went the length to say it was a diplomatic question, which could only have been treated in the first instance by negotiation, and, in case of negotiation failing, finally by a resort to arms. The resort to arms had been treated as ridiculous; but if it was an unwarrantable aggression on international right, it would have been an honourable quarrel, and the nation would have upheld the Government in so dealing with it, though the noble Lord (Lord John Russell) would have covered himself with disgrace had he appealed to international rights, after the encouragement he had offered to the Papal See. The noble Lord the Member for Bath (Lord Ashley) began in the same strain, speaking with indignation of the priest or potentate, "dependent on foreign bayonets for the very breath he drew," yet placed in a position to startle this country from its propriety: he, too, attributed the act of the Pope to political motives. So also the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), who had used these remarkable words:—

> "He had heard it said that the act of the Pope was in revenge for some supposed misconduct of the noble Lord opposite for having lent himself to some proceedings in Rome which had led to the expulsion of the Pope. He could not believe such a statement, although he had heard it from authorities which on any other matter he should not be disposed to doubt; but if the Pope made ecclesiastical arrangements a means of resenting a political injury, they were clearly not necessary for religious objects."

The right hon. and learned Master of the Rolls, in reply to the suggestion to treat the aggression as a contravention of international right, said, "How can you go to Rome and complain, seeing that you brought in a Bill for establishing Diplomatic Relations, and introduced a clause which offended the Pope, and vitiated the whole action of the measure?" That Bill no ways prevented England from having her representatives at Rome if she chose. The noble Viscount at the head of the Foreign Department did not adopt the same argument; but he said it was "too late" to interfere in that way. Before the House decided on the question, they ought to remember that they had three Ministers of the Crown presenting opinions on the subject under discussion, which could not be reconciled. That fact alone was, he thought, an evidence of the want of the sagacity of the Government in dealing with the question. In the course of his address to the House in bringing forward his Resolution, he had referred to the erroneous statements of the noble Lord (Lord John Russell) respecting the violation of the law of nations: the noble Lord had contradicted him without adducing fact or argument for the contradiction he gave. What he (Mr. Urquhart) had asked the noble Lord to say was, whether in the act of the Pope there was anything contrary to treaty or the law of nations, and whether either had been infringed; but the noble Lord had not given an answer. While then the noble Lord persisted groundlessly in representing that act as a violation of the law of nations, with equal pertinacity he had excluded that means of action which alone could be had recourse to in dealing with an international matter; he would not negotiate to prevent the injury, but he would legislate to meet a foreign aggression, and then legislate so as to strike innocent persons, and leave unscathed the horrible conspirators against England and against Europe, whose existence he had detected, and whose evil purposes he had proclaimed. He had done his best to resist the Bill for establishing Diplomatic Relations with Rome, because he was satisfied that wherever British diplomacy opposed the interests of England, it would be unjust, and the independence of that country where it was brought to bear, endangered; and during that long discussion he had several times, and at considerable length, passed in review the conduct of the Papal Government during the late war, showing how great the services it had rendered to England in her hour of need. Although no diplomatic ties united then the two Governments, it had been indeed a traditional policy of Great Britain to maintain the independence of the Pope. It was thus that she had spent half a million sterling on the election of Pius VII.; that she had stipulated for the restoration of the possessions of the Pope at the Treaty of Vienna, and had herself conducted him back to his dominions, from which he had been driven by his refusal, alone among the princes of the Continent, to submit to the Berlin and Milan decrees directed against his commerce. The Pope has now lost his independence; he has become a puppet in the hands of others; and immediately he acquires the power of convulsing England, breaking Ministries, deranging the course of public affairs, and reducing her, in as far as external action is concerned, to the same chaos as France. The reasons adduced by the late Attorney General for the rejection of a proposed Amendment to the Diplomatic Relations with Rome Bill to restrict intercourse to matters purely temporal, had been, that the English Government would then be prevented negotiating should the Pope entertain the design of dividing England into bishoprics, and appointing thereto bishops in ordinary instead of vicars-apostolic. The words of the learned Gentleman were—

> "At present the Pope might divide this country into bishoprics and archbishoprics, and if the Amendment were agreed to he might do so still; but if we had free diplomatic relations with him, the British Government might interfere to prevent such a division."

The hon. Gentleman then described the position of the Pope at that time as one antagonistic with Russia on account of the persecutions directed against Poland, the religious liberties of which were guaranteed at the Treaty of Vienna; that the Pope possessed powerful means of action against the Emperor, and thence it was important for the Russian Cabinet to overthrow first the Papal power, and then to restore it in a state of servility; that this service had been rendered to that Cabinet by the noble Lord, who had used Lord Minto and similar means to expel the Pope, and then employed French bayonets to bring him back. If the source of these measures were doubtful, the consequences were not. The one illustrated the other. No sooner is the Pope restored than he proceeds to measures characterised by the noble Lord as wholly novel and extravagant, never attempted, he says, in "Catholic times." These means are indeed distinctive of the authority of the Pope himself in England, and are not less so, or would not be less so, of the proselytising power of the Roman Catholic Church, had it not been from the merest fanaticism and childish alarms aroused by the noble Lord among the Protestants. But the noble Lord was wrong in stating that the like had not been attempted in any other country. Precisely the same thing at the same moment had been done in Turkey; and if the profit to Russia of this measure was not to their eyes apparent in England, no one could be blind to its effects in that country. Then the Pope had likewise divided the Armenians into dioceses, and appointed bishops; but as there was no Grand Vizier to write a letter to, a Mufti of Durham to tell the people that the sovereignty of the Sultan was assailed, and the right of the Islams infringed, he did not, like the Catholic Members of that House, kiss the arrogant edict, but appealed to the Sultan for protection against the infliction of bishops not of their own selection. Well, what follows? The spiritual subjects of the Pope threaten, if he persevere, to join the so-called schismatic Armenians, whose Patriarch is the protegée of Russia, or even the Greek, that is, the Russian Church. What does the Pope do? He appeals to the French Ambassador, who steps forward to urge his claims. Was not this, then, a diplomatic question, in which Russia uses alike the Pope and his jailor, the President of the French Republic, as her instruments? Does England step forward at Constantinople to support the Sultan, and to repel the conjoined pretensions of the Pope, France, and Russia? No; she recommends to the Porte a "temporising policy," that is, the admission of what the Pope has done. Russia's chief means of convulsion in the East had been religion, and now she had found out the process by which to apply the same to Europe as a State; her end was to sow dissensions between people and people, and as a religion to arouse hatreds between Catholics and Protestants, and set by the ears the two other great divisions of Christians. It became them to inquire into the position in which they stood, and, before all, whether the noble Lord (Lord John Russell) in responding to this act of the Pope as he had done, had not been playing into the hands of the Pope, and playing a second time into his hands by repressing the very feeling which he had raised, and whether the whole conduct of the Government in this matter had not been discreditable and injurious to the country. This was clear, that they were wholly at sea in their legislation as their diplomacy.

Mr. KEOGH said, he, for one, was not sorry the debate had been protracted, as it had afforded himself and others the opportunity of expressing their sentiments upon it before Mr. Speaker left the chair. He believed the noble Lord at the head of the Government was not sufficiently aware when he had introduced his measure of the great danger which it threatened to this country, but more especially to Ireland; and he was sure if he had he would have paused before he extended it to Ireland. He wished to know, not what the noble Lord had been doing during the last two months, but what he had been doing during the whole of his political career, and how the two parts of his conduct differed. He wished to know what the noble Lord could say to the conduct of greater men than himself who had gone before him; whether he was prepared to abandon what Canning encouraged, what Plunkett struggled for, and what Lord Brougham and other great advocates of religious liberty so long supported? If they were to go into Committee on the Bill, they would undo all that these great men, and the noble Lord himself, had done. From all they had heard from the Ministerial bench they were led to suppose that the Bill proposed only to reimpose the provisions of the Roman Catholic Relief Bill; but such a supposition was most unreasonable and unfounded. In particular he thought it unreasonable to extend the Bill to Ireland. The noble Lord at the head of the Foreign Department, with his usual pleasantry and readiness, had said that the Bill was only an accompaniment of the Bill of 1829; but if that was so, he (Mr. Keogh) would beg to ask the noble Viscount why it was made applicable to Ireland? If it was only an accompaniment of the Act of 1829, why had not the Government stated why it was made so; and why that Act, in so far as the Government said the provisions of the two Bills were the same, had not enforced the provisions of the Act of 1829? Those provisions in the Act of 1829 which were said to resemble those in the measure before the House, had never been enforced in Ireland; and if it had not been found necessary to enforce them, why, he would ask, should another Bill with similar provisions be brought forward? Did the noble Lord intend to put the Bill in force in Ireland? If he did not, he (Mr. Keogh) desired to know if the noble Lord intended the Bill to be a mere sham? A mere sham as an accompaniment of the Bill of 1829? But the noble Lord had stated that in applying the Act to Ireland, his object was to enforce the Charitable Bequests Act of 1846, which, he was told, as he (Mr. Keogh) supposed, by the hon. and learned Gentleman the Attorney General, went to repeal some of the provisions of the Act of 1829, and to legalise what was illegal before. It was, he conceived, at that time of day, rather late to consult the Attorney General for Ireland with respect to the operation of that Act. Either the Act of 1829 had or had not been enforced; if not, why should another measure be introduced? And if it could, another measure was not necessary. He really did believe that at that moment the noble Lord at the head of the Government was ignorant of the real question before the House. It had been said that the first clause in the Bill was a transcript of the first clause of the Bill of 1829. But what was, the fact? Why, that the first clause of the Bill essentially differed from the provisions of the great Bill of Sir Robert Peel of 1829. That every lawyer in the House must admit, not alone on the examination of two or three clauses in each Bill, but from their whole scope and language. The preamble of the Bill of 1829 commenced with the phraseology that—"Whereas by various Acts of Parliament restrictions had been imposed upon certain classes of his Majesty's subjects, and whereas such restrictions should be discontinued;" certain provisions which followed were necessary. That was in substance the entire preamble; but the preamble of the Bill before the House was worded very differently, for it declared that it was necessary to strengthen the position of the Church of England by so and so, according to the provisions which followed. In the preamble of the Government Bill he found recitals which were positively untrue. It was said, for instance, that "Whereas it might be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, &c." Now, could any Goverument contradict the fact that that assumption had taken place in Ireland? He was sure the hon. and learned Solicitor General for

England would not make such a contradiction consistently with his high sense of honour. The next assertion was, "That the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, provinces, or dioceses, is illegal and void." He (Mr. Keogh) denied that. The noble Lord (Lord John Russell) knew it to be not illegal, and knew that the assertion was not founded on fact. He had distinctly stated that he had consulted his law officers, and that they had both told him that the "attempt to establish" here referred to was not illegal either by the common or by the statute law. The preamble then contained three distinct falsehoods, for the next affirmation was, that "The assumption of ecclesiastical titles in respect thereof is inconsistent with the rights intended to be protected by the said enactment." The noble Lord (Lord John Russell) also knew that that was not true, and he had told the House so. There was a discrepancy between the statement of the right hon. and learned Master of the Rolls, on the first introduction of the Bill, and the subsequent statement and alteration of the noble Lord at the head of the Government. Shortly after this there was a Ministerial crisis, and the noble Lord withdrew two clauses of the Bill. He said it went far beyond his intentions; he never intended to interfere with the spiritual action of the Church n Ireland. He had been wrongly advised, and he only asked the House to pass the first clause of the Bill. Well, he (Mr. Keogh) would say, and that not upon his own authority, but upon the authority of the Solicitor General of the late Administration, Sir FitzRoy Kelly—on the authority of Mr. Brodie, and Mr. Baddeley, that this one clause contained everything which was contained in the second and third clauses; and the hon. Member for Aylesbury (Mr. Bethell), if he was in his place, was at liberty to contradict him (Mr. Keogh) and his own written opinion. The eminent counsel to whom he had referred said—

> "We are of opinion that if the 2nd and 3rd clauses of the Bill were expunged, the 1st clause would of itself render it illegal for any Roman Catholic archbishop or bishop to exercise his official functions as archbishop or bishop of any province or see in the United Kingdom of Great Britain or Ireland, though such functions were merely spiritual, and had no reference whatever to any temporal rights or authority. If 'the assumption or use of the name, style, or title of archbishop or bishop of any city, town, or place, or of any territory or district in the United Kingdom,' be rendered highly penal, as it would be by the 1st section, it follows that every act which such archbishop or bishop could only perform regularly as archbishop or bishop of some province or see, and in that capacity, must be deemed to be thereby prohibited."

Now, was the noble Lord at the head of the Government sincere? Did he really not mean to interfere with the Roman Catholic archbishops and bishops in Ireland? The noble Lord said he had altered his mind upon the Bill, because that eminent prelate, Archbishop Murray, wrote some letters, in which he stated that the Bill would interfere with the Irish bishops. Did he mean to attach more legal weight to Archbishop Murray than to the opinion of Sir FitzRoy Kelly, Mr. Brodie, and Mr. Baddeley? If the noble Lord was sincere, and did not mean to shackle the independence of the Roman Catholics in Ireland, would he take counsel with his law officers now, and ask them whether the first clause would not do all that was proposed to be done by the second and third clauses? Had he any legal authority to convince him that in proposing the first clause, he was not incurring that risk from which he had avowed that he was disposed to shrink? But the Bill did not stop there; and the opinion of those gentlemen went on further:—

> "We are of opinion that if the 2nd and 3rd clauses of the Bill were expunged, the 1st clause would of itself render it illegal for any Roman Catholic archbishop or bishop to accept any emolument or endowment, or to exercise any trust or power, as archbishop or bishop of any province or see in the United Kingdom, in relation to any property, whether charitable or otherwise, and whether intended for the benefit of such archbishop or bishop, or of such province or see, or of the persons subject to his spiritual authority therein, if such acceptance or exercise involved his assumption or use of the name, style, or title of archbishop or bishop of a particular province or see of the United Kingdom; and such emolument or endowment, and such trust or power, belonged to him solely in such his capacity of archbishop or bishop."

The Bill was introduced without any reference to the Charitable Bequests Act; and he had formerly called the attention of the right hon. and learned Master of the Rolls to the fact that this Bill would repeal the provisions of that Act. The late Sir Robert Peel carried the Charitable Bequests Act at a time when he incurred great obloquy for bringing forward such a measure; but he was not a statesman to be driven from his profession and his principles by common clap-trap. Now, Sir FitzRoy Kelly, Mr. Brodie, and Mr. Badeley distinctly stated that that Act would be repealed by this Bill if it became law, for that Act provided that voluntary endowments to the Roman Catholic Church should be legal, and that property might be conveyed to the Commissioners of Charitable Bequests for the benefit of Roman Catholic archbishops and bishops. It was in vain, then, for the noble Lord to contend that he did not wish to interfere with the religious liberty or the ecclesiastical rights and privileges of the Roman Catholic Church in Ireland, if he shut his eyes to the opinion of those gentlemen. But he came to another point in this Act. The noble Lord (Lord John Russell) said that the first clause of this Act was the same as the 24th section of the Act of 1829, and he must know that that was not the case. That section of the Act of 1829 said that if any bishop of the Roman Catholic Church assumed the title held by a bishop of the Establishment, he should forfeit a penalty of 100*l.*; but this Bill prohibited any person from assuming the name, style, or title of archbishop or bishop of any place, territory, city, district, or town, or under any name or designation whatever. Then, how were you to describe a Roman Catholic archbishop or bishop in Ireland? The vocabulary of the noble Lord, or of the right hon. and learned Attorney General for Ireland, might be far more copious than his; but he could discover no form of expression which would describe an archbishop or bishop of the Roman Catholic Church in Ireland, if those words were left in the Bill. He asked the noble Lord again the question, which could not be too often put to him, whether he was playing fast and loose with the House and with the country? Did he not intend to put that Act in force? If so, of course it could not hurt the Roman Catholics; but if he did intend to put it in force, it would be destructive to the liberties of that Church in Ireland. But the noble Lord said the Catholics had not complained of it. No; because they believed it was all a sham—that the noble Lord did not intend to enforce it. But there were others in that House who had as much disposition as the noble Lord to restrict the liberties of the Roman Catholics in this country, and it was possible that at no very remote time there might be another Administration in power from that of the noble Lord. They might put this Act into force; and if the noble Lord believed that this Bill interfered with the spiritual, religious, ecclesiastical, and episcopal functions of the Church in Ireland, and if he professed that he did not want to interfere with those functions, he (Mr. Keogh) would ask him to withdraw the last remaining section of his Bill. The noble Lord (Lord John Russell) had repeatedly spoken about his generosity to the Roman Catholics of Ireland; and the hon. and learned Solicitor General had said that he had no objection to Roman Catholics enjoying religious liberty as long as they were well-behaved, and did not interfere with political matters. Was that to be the new code of religious liberty for Ireland? He did not want to disparage anything the noble Lord had done for that country. His exertions for a long period of years were incessant in favour of Catholic emancipation; but if he passed this Bill he would upset everything that he had already done, and, except that Roman Catholics might be Members of that House, he would place the Roman Catholic millions of the country in a worse position than they were in at any former period. The noble Lord, in his speech upon the Motion of the hon. Member for Stafford (Mr. Urquhart), said the feelings of the people of England must be consulted. The noble Lord seemed to think it was becoming in a great Minister of this great empire, ruling over people professing every description of religion, from Roman Catholicism to idolatry, to coerce the feelings of a large portion of Her Majesty's subjects. He admitted that the great majority of the people of England were Protestant; but nine-tenths of the people of Ireland were Catholic; and was it becoming in a great Minister to talk of coercing the religious opinions of one section of the people to satisfy the religious prejudices of the other? There was a period in the history of England when an illustrious member of the illustrious house of the noble Lord gave way to similar prejudices; and he would say to the noble Lord that the same arguments might have been put forward at the time of the Gordon riots; and if a Minister wished to yield to popular clamour, he had popular clamour enough then to back him. But he (Mr. Keogh) did not know what he would have done, unless he had brought every man to the scaffold (as was once the theory in this country) who had the audacity to profess the Roman Catholic religion. The noble Lord had renewed, over and over again, that hacknied assertion that this proceeding on the part of the See of Rome was a direct insult to the Protestant feelings of this country; yet on last Friday night 202 Members were found to vote with the hon. Member for Stafford, that the proceedings of the See of Rome were encouraged by Her Majesty's Government. That was a truth; they believed it to be a truth; and he would give the House greater evidence upon that subject than the noble Lord dreamed of. He had before invited the noble Lord to a pleasing reminiscence of his own speeches in that House, and would therefore not go over that ground again; but, invited by the minority of 202 Members of that House, who were ready to vote that the proceedings of the Government had encouraged the act of the See of Rome, he would tell them they might most safely come to that conclusion without the least injustice to the Government. The noble Lord himself was afraid of that issue. He knew that many persons went into the lobby with him the other night who were of the same opinion as the hon. Member for Stafford. For instance, there was the hon. Member for the University of Oxford (Sir Robert Inglis), who had stated that the conduct of the See of Rome was encouraged by the Government in Ireland; but that hon. Baronet excused himself by saying that the division was not to be taken upon the precise Motion of the hon. Member for Stafford, but upon the Motion whether Mr. Speaker should leave the Chair. The noble Lord, in 1844, 1845, and 1846, when he was in opposition—[Lord JOHN RUSSELL: Not when I was in opposition in 1846]—well then, in 1844 and 1845, made certain observations on this subject; but in 1848 he said, "I will set every thing right. I withdraw what I said before. I apologise to the country, and the thing is settled as it ought to have been;" and the noble Lord said, in answer to a question whether he would sanction the appointment of a British subject by the See of Rome to a bishopric in this country, with territorial jurisdiction, that he would not consent to it. But, in February, 1849, after Cardinal Wiseman had been gazetted as Bishop of Westminster, the noble Lord said—

> "But I own I do not think that this is a matter of very great importance. It was very agreeable to the feelings of the Roman Catholic Archbishops and Bishops that they should be called by the titles by which they are usually designated. They have received those titles; but that does not imply any legal claim to authority, and I cannot conceive, therefore, that it is necessary for this House to take any proceedings in the matter."—[3 *Hansard*, cii. 445.]

Perhaps his learned Friends on the other side would give some explanation, or, as the lawyers said, would put in a special demurrer to what the noble Lord said; but such language was not confined to the noble Lord. There was a Colleague of his still more anxious that no doubt should remain on the mind of the See of Rome as to what it ought to do in respect to this country. In a more august assembly, in the House of Lords, on the 27th of July, 1849, Lord Redesdale put a question to the noble Earl the Secretary for the Colonies, which he declined to answer; but one of his Colleagues got up and said, "he was sure that if any Cardinal came over to this country every person would call him 'his Eminence.'" That was the Earl of Carlisle. Yet the noble Lord would say that an insult was intended by the See of Rome, when the See of Rome was reading those professions repeated over and over again in the House of Commons and the House of Lords. It happened that he (Mr. Keogh) was at Rome when all this mischief occurred; but a remarkable fact came to his notice there, and he did not know whether the noble Viscount the Foreign Secretary was in his place, but, if so, he had no doubt the noble Viscount was aware of the fact. Cardinal Wiseman was created Archbishop of Westminster, and directly the matter was published it was a subject of great rejoicing in Rome. Now, this country had a diplomatic representative at Rome. We had a Consul located there, and over the doors of his mansion were placed the British arms. He (Mr. Keogh) saw the dwelling of the British consulate brilliantly illuminated in honour of the appointment. A British subject, the British Consul, the representative of the British Government at Rome, illuminated his mansion in honour of the appointment of a Bishop of Westminster. Was the See of Rome, then, to be under the impression that nothing would be so distasteful to the British Government as that appointment for which the British Consul had illuminated his mansion? The noble Lord had made a great deal of the subject of the Synod in Ireland. He said that all might have gone quietly but for the Synod of Thurles, which interfered with internal affairs. The noble Lord said the Catholics of Ireland had deceived him; but they had only returned a compliment. But when the noble Lord (Lord John Russell) came to deal with Protestant ecclesiastics in that same country, he by no means objected to their interfering in the most violent manner with their flocks, upon identically the same temporal questions in which he charged the Roman Catholic bishops with having improperly interfered. The noble Lord would recollect that in the year 1832 seventeen out of twenty Protestant bishops in Ireland—for they had twenty then—and 1,700 of the Protestant clergy, protested against the system of national education. That was a system which was supported by the noble Lord who led the party upon this (the Opposition) side of the House. It was also supported by the noble Lord opposite. The noble Lord said—

> "They have certainly a right to say that, disapproving as they do of the system, they will not allow attendance at the schools of any children belonging to their communion. . . . . . It is perfectly competent to clergymen of the Established Church to say they will not allow attendance at those schools."

Was it not, then, competent for Roman Catholic clergymen to say, not that they would not allow, but that they did not recommend, their flocks to send their children to the mixed schools of education in Ireland? But the noble Lord spoke of the Synod as a thing that had never been heard of before. Why, there was the Synod of Ulster, the Synod of the Presbyterian Church of Scotland, the Synod of the United Presbyterian Church, and the Synod of the United Original Seceders. Perhaps the noble Lord was well acquainted with that Synod, and was one of the number. The noble Lord said that that Synod had met, and, for the first time for 300 years had passed certain resolutions; but he must tell the noble Lord that since his famous Durham letter no man would venture to say that the Catholic people of Ireland ought to send their children to those seminaries. But, said the noble Lord, there was a case in Sardinia. He (Mr. Keogh) thought it would have been more apposite and cogent with the Roman Catholics in Ireland, since the Reformation, if the noble Lord could have said there was a case there in which religious independence was stifled by the hierarchy instead of travelling beyond the Alps. But, in sober seriousness, he said that this was the worst part of the Bill. The cloven foot came out in that part of the Bill to which he had alluded, more than in all the letters and speeches of the noble Lord and his colleagues. If there should be a question as to the religious liberty of the Episcopal Church of Scotland, no one would be more happy than he would be to insert a clause in the Bill to preserve it; but could it have escaped the noble Lord, when he was hurling his invectives against the Roman Catholic religion in Ireland, against those sacred ceremonies which its members revered, when talking of the Synod of Thurles, that he had a case in Scotland much stronger than any he could have thought of in Ireland? If the House was shocked with the Synod of Thurles, what would it say to excommunication in the orthodox Episcopalian Church of Scotland? The case to which he alluded was a very remarkable one, which was the subject of adjudication in Scotland at this moment, and it had been denounced by eminent Judges in that country as a most flagrant proceeding; but it was in favour of that Church and Synod that the noble Lord at the head of the Government had a proviso in his Bill to exempt them from the provisions of this measure, which was directed, with an anti-Catholic, sectarian bigotry, against the Roman Catholics. He would give the noble Lord (who had been charged with being a Presbyterian in Scotland, a Puseyite in Pimlico, and a Churchman in the House of Commons) an opportunity of hearing that case. The right hon. Baronet the Home Secretary once contradicted him (Mr. Keogh) for saying he had received a petition signed by the bishops of the Episcopal Church of Scotland; but, if it were not the petition of the episcopal bishops, it was a petition of the Society for Promoting Christian Knowledge, signed by those episcopal bishops, and that petition was received, although the noble Lord said he would not receive a petition so signed by the Roman Catholic bishops of Ireland. But, he would read the terms of the excommunication in the case in Scotland to which he had referred:—

> "We, William Skinner, Bishop of Aberdeen aforesaid, with our clergy in synod assembled, do hereby this 10th day of May, 1843, excommunicate the said Sir William Dunbar, Bart., and solemnly warn all the faithful to hold no communion with him in prayers or sacraments."

Had that escaped the attention of the noble Lord? Was he aware of the existence of that excommunication when he proposed to introduce an exceptional clause for Scotland in the Bill before the House? He might turn to those fifth-rate men who made themselves the lecturers out of that House of those whose opinions he entertained, but who, in that House, never uttered a word; and he would ask them where would have been the cause of Parliamentary reform if Catholic Emancipation had not been carried? Where would have been the cause of free trade, or where might it be, if the Roman Catholics declared against it? But he was consoled on that part of the subject by reflecting that there was not one distinguished free-trader—he did not refer to those Gentlemen who shot their small arrows at them, but who never stood up against them—but to those free-traders who supported the question both in that House and out of it—that there was not one who was not against this Bill. The distinguished Members of the late Sir Robert Peel's Government were against it; the hon. Members for Manchester, the hon. Member for the West Riding, and the hon. Member for Montrose were against it; and with that support they whose views he supported could afford to smile at the sneers that were put upon them by the small fry that surrounded them. He would warn the noble Lord, then, before he went further with this Bill, that by it he might arouse again in the people of Ireland, who were just emerging from the consequences of pestilence and famine, and just reaching perhaps the shore on a frail plank, the fanatical spirit of sectarian animosity, and perhaps involve them again in another twenty years' struggle. If indeed that struggle should come, the result would be, he was convinced, as it had been before, victorious to the people of Ireland, and never would they sheathe the sword until they had deprived those who had oppressed them of the power of oppression. They won that struggle before, and they would win it again. The noble Lord boasted—and, if he did not retract all he had done, it was the proudest boast he could make—that he asssisted them in recovering and reclaiming religious liberty. If then by a tyrannical majority in that House the noble Lord struck down their liberties that night, they would go forth from that House and would never cease until they had re-established them. They would never be intimidated by momentary defeat. They had braved scenes of persecution: the avenging sword of Cromwell was upon them; the insidious treachery of the Stuarts beset them; exactions and confiscations—he used the word openly, plainly, and advisedly—the confiscations in which the ancestors of the noble Lord had taken so conspicuous a part, were upon them. But they had triumphed over them, and would triumph again; and they would do so, not forgetting their allegiance to their Sovereign; but, while acknowledging that allegiance, they would continue to assert, as the constitution allowed them to do, their allegiance in spiritual matters to the supreme head of the Roman Catholic Church,

> "Dum domus Æneæ Capitoli immobile saxum
> Accolet, imperiumque pater Romanus habebit."

LORD JOHN RUSSELL: Sir, the hon. and learned Member for Athlone has undertaken a very difficult task, and he has performed that task, I have no hesitation in saying, with very great ability. But I own it appears to me that the difficulty of the task is beyond even the powers and the talents of the hon. and learned Member. The statement which I have made, and which other Members of the House have made, was, that with reference to Ireland titles taken from sees had been forbidden since 1829, and that, therefore, either the Roman Catholic Prelates of Ireland had been under grievous persecution from that time to this, or that this Bill could not be of the penal and persecuting nature which has been asserted of it. It appears to me that this proposition is an undeniable one. The hon. and learned Gentleman thinks otherwise, and endeavours to evade the point at issue. But before I deal with his arguments to that effect, I would refer to his observations as to what I said with reference to the necessity of consulting the feelings of the people of England. I said it was necessary to consult the feelings of the people of England. I did not say it was necessary to consult the Protestant feeling of the people of England. All I think it necessary to consult is the national feeling of the people of England. I should have said, in the same way, that when the Pope attempted to establish his complete dominion over France, those who resisted that attempt might have said it was necessary to consult the feelings of the people of France; for that, though the great majority of the people of that country were Roman Catholic, they were not prepared to bow the knee to a Sovereign who was not their own Sovereign, to bow the knee to a foreign prince; and then it might well have been said by Roman Catholics themselves, "we must consult the feelings of the people of France, and they will not submit to decrees which come from Rome, and which pretend to subject us to the authority of the Pope." The speech of the hon. and learned Gentleman tends to strengthen the prediction of the late Mr. Grattan, that the Catholics of this country would become incorporated with the See of Rome. The hon. and learned Gentleman (Mr. Keogh) says he does not at all mind the provisions of the Act of 1829, because we never enforced the provisions of that Act; and he calls upon me to say whether I am now about to enforce the provisions of that Act. If that were the question, it would have very little to do with the present Bill, because if the fact were that the provisions of the measure of 1829 had never been enforced, and that it was our determination to enforce them, as nearly all the Roman Catholic prelates in Ireland are supposed to take their titles from existing Sees, it would only be necessary, as regards Ireland, according to the hon. and learned Gentleman, to enforce the existing Act, and there would be no new measure required for the purpose. But the hon. and learned Gentleman asks, "Do you mean to enforce it in some new manner? or do you mean to enforce the provisions of the present Bill?" And he quotes the opinions of certain learned Gentlemen for the purpose of showing that by the first clause of the new Bill, which does not apply to Ireland with so much stringency as the existing law, none of the spiritual functions of the Roman Catholic prelates of Ireland can be exercised; and yet, under the Act of 1829, the spiritual functions of those prelates have been exercised from that time to this; and none of those prelates in the exercise of any of those functions have been interfered with. [Mr. Keogh: Because the Act was not put in force.] The hon. and learned Gentleman says, "this is because the Act has not been put in force;" now, in order to put an Act in force, you must have an offence committed, and some evidence that such offence has been so committed. We have had various Governments in office since 1829; it is not alone the present Ministry or other Whig Ministries that, since 1829, have governed Ireland. [Mr. Keogh: I did not say it was.] We have had the Duke of Wellington's Government, and we have had the Government of Earl de Grey with Sir Edward Sugden at the head of the law in Ireland, and the present Chief Justice of the Queen's Bench in Ireland. Did these functionaries neglect the Act of Parliament? No; my belief is that there has been obedience paid to that law by the Roman Catholic prelates of Ireland. I desire no other proof of this than the petition which was presented to the House in the present Session of Parliament, wherein the Christian name and surname of every one of the Roman Catholic prelates in Ireland were signed by those prelates, not one of whom took in it a title from any diocese or see in Ireland. I should, then, conclude that, with the exception of a most rev. Archbishop who takes a title to which I believe he has no claim whatever, but which he asserts is not within the letter of the Act—with that one exception I should say that the Roman Catholic archbishops and bishops in Ireland have generally in every public act of theirs, obeyed the Act of Parliament in this respect. If the Act of Parliament has been obeyed, what could Government ask further? It was not to seek out occasions for prosecuting, by unnecessary investigations into the relations of the Roman Catholic prelates with their priests, or in the exercise of their special functions; it desired to avoid anything savouring of needless or vexatious interference. Nothing of the sort could be conceived from the speech of the late Sir Robert Peel in introducing the Roman Catholic Relief Bill; I imagine that what was intended was to prevent the ostentatious and open assumption of titles taken from sees in Ireland; and that, these assumptions being so prohibited by law, if the prohibition was obeyed, the Government would be satisfied with that obedience. Such I conceive to have been the meaning of the Act; and such, I believe, has been the practice with regard to that Act. So that the difficulty of the hon. and learned Gentleman really comes to be no difficulty at all. That which has been done in Ireland must relate in the future to the Roman Catholic bishops: for they are not Roman Catholic bishops taking their titles from any see which is not the see of a Protestant bishop. They are taken from the ancient sees of the country—they have been held, I believe, by Roman Catholic bishops since some forty years after the Reformation; and I see no need for interfering any further with what is the present practice and state of the law and of the Government. With regard to matters of this kind, and with regard to this whole question, I say it ought not to be the policy of this or any other Government to seek out for matters of offence for the purpose of prosecution. I read in a letter of Dr. Wiseman's, that there is to be an Abbot of Westminster, continued from Roman Catholic times. I make no curious inquiry; I do not propose that we should forbid by Act of Parliament the assumption of the title of "Abbot of Westminster;" nor do I care in the least who may be the individual who assumes that title. But when a person comes pretending authority from the Pope, and says that the Pope has been pleased to give certain titles—that the Pope has been pleased to divide this country into dioceses—that by the same act he has totally abolished the Archbishoprics of Canterbury and York, and the Bishopric of London—and that he assumes the right to govern in this country of England—I say then it is not the quiet exercise of religious functions, it is not the non-compliance with the letter of some law, but it is an open and daring defiance of the sovereignty of this country; and the Parliament of this country can no longer shut its eyes to that which has been done. Then the hon. and learned Gentleman will say, "Why do you include Ireland in your Bill? why do you make any mention of Ireland?" Why, the offence which we complain of is an offence chiefly against the prerogative of the Crown; it is an offence against the independence of the nation; and we look upon Ireland as part of the United Kingdom. But with regard to the Act, what was required to be done I think has been done by the Act of 1829. It may be that after this Act passess, we shall find persons in England or in Ireland openly assuming these titles, and attempting by that assumption to set up their power and authority against the power and authority of the Crown of England; I should say in that case, whether it be in England or in Ireland, that the Crown ought to take means to enforce the law. The hon. and learned Gentleman (Mr. Keogh), in arguing this case, recited what he called the false assumptions in the preamble of this Bill. He said, first, that the enactment of 1829, the 10th George IV., had been repealed by the Charitable Bequests Act. I own I was astonished to hear such an assertion. Only imagine that the right hon. Gentleman the Member for Ripon (Sir James Graham), acting under the direction of the late Sir Robert Peel, then Prime Minister of the country, should have introduced a Bill which repealed an important part of the Act of 1829, the Roman Catholic Relief Act, by which the Roman Catholics have seats in Parliament and enjoy offices, and that he should never have mentioned to the House of Commons that he proposed to repeal an important part of that Act! It is impossible to believe he could have meant it; and there are no words in the Act he introduced which at all countenance the supposition. The words are very carefully chosen; they are not the loose words which we afterwards find in a Cemetery Act, and which I wish, for my own part, had not been allowed to slip into an Act of Parliament. The Charitable Bequests Act, an Act introduced by the late Sir Robert Peel's Government with deliberation, speaks of a bequest "in trust for any archbishop or bishop, or other person in holy orders of the Church of Rome, officiating in any district." Those are the words with respect to bishops. With respect to the clergy, they are—"having pastoral superintendence of any congregation of persons professing the Roman Catholic religion." Those words, "officiating in any district," are entirely different from any jurisdiction over a diocese. They are introduced in order to avoid any of those words which imply authority, jurisdiction, and legal power. So much for the first assertion of the hon. and learned Gentleman. His next point is, that we say it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of any see not being the see of an archbishop or bishop of the Established Church. Well, I have heard a very learned lawyer start doubts upon that subject, and I own, reading the words of the Act, I think they very well admit of doubt. I believe the general opinion of the profession of the law is, that the words do not imply that persons may not assume those titles, not taken from existing sees. At the same time, when we have heard from the mouth of a very learned lawyer a doubt upon that subject, I think we were justified in asserting that it may be doubted whether that is not the law. Another averment, which the hon. and learned Gentleman says is false, is, "that the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, is illegal and void." I am assured by every lawyer I have spoken to, that that is actually the law of this country. And, I observe, that the hon. and learned Member for Midhurst (Mr. Walpole), who proposes to put that part of the preamble in the shape of a clause, does not put it in this shape, "be it enacted," but he puts the words "be it declared," evidently considering that that is already the law of the country. Well, then, I know not why the hon. and learned Gentleman (Mr. Keogh) should state that there is any part of this preamble which is not borne out by the law and by the facts of the case. The hon. and learned Gentleman, after having discussed the preamble of this Bill, went on to speak of the enactment itself, and considered it as a violation of religious liberty. He threatened us with the anger which would be excited in Ireland; and, with strong metaphorical language, he said if this Bill should pass, that the oppression would be resented, and that they would never sheathe their swords until they had got the better of their oppressors. I am exceedingly sorry that hon. Members of this House, representing, no doubt, a feeling that exists in Ireland upon this subject, should consider this Bill any violation of religious liberty; but I do not think that we are bound, on that account, to part with a single particle of that authority which is inherent in the Crown of England, or of that independence which is inherent in the people of the United Kingdom. I know not what might be the consequence, if we were to give way to these notions that religious liberty will be infringed, if we do not preserve that sovereignty and that independence. For my own part, I have no wish to exchange the religious liberty that we shall all enjoy, and that the Roman Catholics will enjoy after the passing of this Bill, for any of that kind of religious liberty which is enjoyed at Rome. It was but the other day we were informed, by one of our Ministers in Italy, that there was a person now lying in prison for the offence—of what? Of circulating an Italian translation of the Holy Scriptures, which was a violation of the law of that Italian State. I am not now speaking of Rome; I am speaking of another of the States of Italy. [Mr. KEOGH: Hear, hear!] The hon. and learned Gentleman seems to think that that is a great triumph—that it is not Rome; but will he tell me that it is not the influence of the Roman Church which has caused it? Will he tell me that it would be competent for Italians to erect a Protestant place of worship in Rome, to go freely to that place of worship, and to publish every day their opinions, showing the Protestant religion to be, according to their opinion, the truth with regard to religious matters? Why, they could do nothing of the sort, as the hon. and learned Gentleman well knows. Sir, I rejoice that we have still the means of enjoying a religious liberty more real, more actual than that which the hon. and learned Gentleman can quote. I am very glad that if I wish to learn the art of reasoning I am not debarred from reading Whately's *Logic*. I rejoice that in this country we are not subject to those prohibitions which at Rome are so common, and indeed so prevailing. But the hon. and learned Gentleman, referring to another question, adduced an excommunication from a bishop of the Episcopal Church in Scotland. Now, I am informed, and I believe, all those titles are void in law; and my right hon. Friend the Home Secretary took care to inform those who signed those names, that although it was not an offence punishable by law, yet that the assumption of those titles gave them no legal right whatever to assume them; and I believe, with respect to a clergyman who has been excommunicated by one of those bishops in Scotland, that that clergyman had his action, that he obtained in the Court of Session a judgment in his favour, and that the bishop who had assumed an authority which did not belong to him was obliged to compromise that action. The hon. and learned Gentleman (Mr. Keogh) may account himself and his countrymen fortunate if no worse persecution than that which is proposed by this Bill should prevail in any part of the United Kingdom. He may compare the condition of this country with that of any in which the Church of Rome has the prevailing power. The hon. and learned Gentleman on a former occasion—he seems to think now that he has been misled with respect to the facts—showed an indignation that, I think, was honourable to him, at the supposition of any such persecution as was directed against the Minister of the King of Sardinia on account of the part which he took in the Sardinian Parliament; but let the hon. and learned Gentleman be sure that if those doctrines of the See of Rome,—not the doctrines of the Roman Catholic religion—not the doctrines which have ever prevailed in France—but those political doctrines which Rome has endeavoured to extend over Europe, and which are totally different from anything belonging to the doctrines and opinions of Roman Catholics—let him depend upon it, that if such maxims were to prevail in this country, he (Roman Catholic as he is) would not enjoy half the freedom, half the power of expressing his opinion, half the liberty of coming forward in this House to argue in any cause which he thought it was his duty to argue, that he now does under a Protestant constitution. With this belief, therefore, not wishing to argue those parts of the question on which I have had to trouble the House on former occasions, but repelling the statement of the hon. and learned Gentleman, that there is anything like persecution in this case, I must again aver that it is a political measure, directed against a political encroachment, and that we will not suffer that the name of religious liberty should be prostituted for the purpose of covering foreign aggression.

MR. BRIGHT said, he was exceedingly glad the discussion had taken the turn which it had now assumed; for, as the proposition before the House was that the Speaker should leave the Chair, that appeared to him a very fitting time to discuss the principle of the Bill, and the propriety of taking any further steps with regard to it. He was much struck with an observation of the right hon. Gentleman the Member for Ripon in a former debate, that it was an extremely dangerous thing for a Government to be legislating upon the idea that it was forced to do something with regard to a particular question, without knowing exactly either what it had to do, or how it ought to do it. There was great practical wisdom in that observation. He would turn back to some of the proceedings connected with that question. The noble Lord at the head of the Government commenced the fray by his celebrated letter; and any stranger to the country who read that letter must have come to the conclusion that some great outrage had been committed. Within a week after the publication of that letter, the noble Lord, the chief officers of the Crown, and some of the principal Judges, including the Lord High Chancellor and the Lord Chief Justice of the Court of Queen's Bench, assembled round the festive board of the chief magistrate of the city of London; and there language was used which, to say the least, should not have been employed by sedate and learned men accustomed to administer justice, whether it was used in seriousness or in joke. He must here remark, however, that he was not at all astonished at anything which took place in connexion with such a question at the Mansion House of the city of London, for if he were not misinformed, the Mansion House was built out of fines extorted from nonjurors, from Protestant Dissenters, and, to a large extent, from the society of which he (Mr. Bright) was a member, between the passing of the Act of Uniformity and the passing of the Act of Toleration. There was another curious fact connected with that building. One hundred and ten years ago, when a proposition was made to build this place, the Earl of Burlington of that day presented to the Common Council an admirable design by an Italian architect; but the architect being an Italian, and his name, "Palladio," possibly suggesting Rome, though he had been dead 150 years, his design, which was the best offered, was rejected by the corporation. Now he (Mr. Bright) had observed almost all that had appeared in the papers during the agitation of this question, and he had no hesitation in saying that as yet there had been no logical definition of the injury that had been inflicted on this country, and no agreement as to any remedy which Parliament could provide. He might say the same for the leading articles in the newspapers, from the *Times* down to the humblest country paper. Not one had proposed an intelligible remedy for the matter. Certain specifics, indeed, had been proposed out of doors; but the noble Lord had not been so imprudent as to accept them. The celebrated Dr. Cumming, among the rest, had proposed that Cardinal Wiseman should be packed off to Italy in a man-of-war, with Admiral Harcourt as commander. The choice was perhaps happy, because Admiral Harcourt was the son of a man who, while a bishop in the dominant Church, received no less than three-quarters of a million of money; and therefore it was no wonder that his son should be hostile to any rival in so profitable a calling. He (Mr. Bright) would not allude particularly to the speeches made by certain distinguished individuals, to the burnings in effigy, or to the threats of serving Cardinal Wiseman as a certain Austrian general had been served. He gave the noble Lord credit for being too wise to follow such counsel. But after the noble Lord had written his celebrated letter, he had three months for quiet deliberation whether in Downing-street or Windsor; and at the end of that three months they had the noble Lord's speech, which was not about the Papal rescript, the real matter in hand, but about various matters that had occurred on the other side of the

Channel. The noble Lord was now conscious of the difficulty, and could not withdraw Ireland without overthrowing the whole speech upon which his legislation was founded. The noble Lord objected to the Synod of Thurles. He (Mr. Bright) did not wish to see such synods, or anything else that interfered with education; but if the two Churches were compared, they must be driven to the conclusion that the Protestant bishops and clergy were quite as meddlesome in politics as the Catholics, and more especially upon this very question of national education. He had, while in the south of Ireland, spoken to a gentleman who was a county magistrate and a chairman of a board of guardians, and that gentleman had said that the established clergy had committed a great mistake in so universally rejecting the national schools, as they had by such conduct thrown them wholly into the hands of the priests. They should not then judge too harshly of the Synod of Thurles for taking a different view of education from them, more especially as at that synod the votes were equally divided, more than could be said of the established clergy either of Ireland or of England. But the noble Lord would have no bishops but his own bishops, of whom he was by turns the tyrant and the vassal; while the bishops of Ireland, in whom the people had confidence, were not to have any opinion on this question of education, or, if they had, they were not to express it. But the noble Lord had not been able clearly to define the matter upon which he was going to legislate. He had had to cite a great number of Acts, to garnish with references to history, and menaces from other countries, and to make up what lawyers called a cumulative case, in order to establish even the slightest case for legislation. The noble Lord admitted that the law had not been broken; he could not cite any case in which the Catholic bishops of Ireland had broken the law. He (Mr. Bright) had thought that the noble Lord was going to admit that as the law had not been broken, no offence had been committed, instead of which he was about to ask for a stringent law to put down an offence which had never been committed. There was one point on which the law had been broken, and that was in the importation of the bull; but with that offence the noble Lord would not interfere. The language of the Pope was complained of as offensive; but had priests in power ever used any other? The language was offensive—such language as might have been used by Hildebrand, and very like what was used in our own legal documents. He recollected a charge of libel being brought against an unfortunate newspaper editor, in which he was charged with every imaginable offence; but that was the mere formal wording of the legal document. So it was with the language of the Pope. Offensive, aggressive it was—such as he (Mr. Bright) despised and loathed; but it was rather a form than a substance—but it was not a justification for the present attempt at legislation. But the noble Lord said, there was an attack by a foreign Power on the supremacy of the Crown. The hon. Member for Oldham had truly observed that the Pope's being a temporal Power was merely an accident. The Pope was a priest, and it happened unfortunately that he was also a temporal prince; but if he had been at Avignon, or Naples, or Brazil, or even in the town of Galway, still he would be Pope and priest, and have precisely the same power over the Catholic world as he had at present. The supremacy of the Queen was, in the sense used by the noble Lord, no better than a fiction. There might have been such supremacy down to the times of James II., but now there was no supremacy but that of the three estates of the realm, and the supremacy of the law. The Queen was the chief of the Established Church; but that Church had not been assailed either in its wealth or power. The Queen had not the power of making Roman Catholic bishops, and therefore the making of them by the only Power on earth that had authority to make them, was no invasion of the prerogative of the Crown. The noble Lord said that the Pope had ignored the Established Church of this country, and had abolished the see of Canterbury. But the Pope had always done so; he looked upon the Church of England as an usurping church, pretty much as the Church of England looked upon congregations of Dissenters. Did not that Church, when appealing to the House on the plea of religious destitution, reckon up the population in a district, and the number of church sittings, without ever taking into account the number of dissenting teachers, or of dissenting places of worship? It was thus that one Church always treated another; and it was one of the unfortunate proofs, that so much as they had had of churches and of religions, the true spirit of Christianity had made very little way amongst the churches of the world. He was not one of those who thought there was any strength in the argument which was used so often, that bishops in ordinary were not necessary for the effectual working of the Roman Catholic Church. He was no friend to the bishops of any Church. But his own individual opinion had nothing whatever to do with legislation on this question. He was not so presumptuous as to say to another Church that bishops were not necessary for that Church; and if bishops were necessary for the Anglican Church, who could say they were not necessary for the Church of Rome? They had heard much of the changing of vicars-apostolic to bishops in ordinary, and he wished on this subject to read an extract from a letter he had received from a constituent who was a learned ecclesiastic of the Romish Church. He believed that in that letter it was conclusively urged that the change from vicars-apostolic to bishops in ordinary went far to free the bishops from the arbitrary supremacy of the Pope, and to place them under the control of a regularly-organised code of laws. His correspondent said, that the principal argument against the bishoprics was founded on the assumption that the bishops would be more under the control of the Pope than the vicars-apostolic. That was wholly erroneous. The bishop exercised his authority in virtue of his office, while the vicar-apostolic acted as the mere delegate of the Pope, who was the immediate bishop of the district. In both cases the territory was marked out. In one case it was called a diocese, and in the other a district, and in both cases the Pope conferred the jurisdiction. In both cases the jurisdiction extended to all who belonged to the Church, which included, in the estimation of the Church, all baptized persons; but it was not to be exercised except over those who chose to submit to it. In the case of the bishops, they were governed by laws regularly enacted; while the vicars-apostolic were controlled solely by the will of the Pope, who exercised as much power as he thought proper. The difference was this, a vicar-apostolic was alone responsible to the Pope and to his will whatever it might determine; but when a bishop in ordinary was appointed, he was relieved from the caprice—if he might so say—of the Pope, and subject alone to those portions of the canon law that could be exercised in any country in accordance with the permission of the civil law of that country. It was asserted that the Roman Catholics of this country had suffered no grievance in being driven back again to the rule of vicars-apostolic. He (Mr. Bright) begged to ask the people of this country, whether they would prefer to live under the ordinary constitution of the country, administered by its recognised tribunals; or under some special commission, with some exceptional state of the law, where liberty might be less secure than under the ordinary and recognised law of the State? He did not intend quoting further from the document he held in his hand; but he thought it only fairness to the gentleman who sent it that he should make use of it to that extent. He maintained that the course that had been taken in making these bishops in ordinary of vicars-apostolic was calculated to relieve the Roman Catholics in England from much of that ultramontane influence of which the House had heard so much: for if the bishops were natives here, and appointed with the consent of those over whom they would subsequently exercise control, it was reasonable to suppose that the Roman Catholic Church would become more national in character, than when ruled over by the Pope and the statutes of his councils. The noble Lord had designated the proceeding as an insult to the Crown, and an attack on the independence of the nation. He (Mr. Bright) wished he could get rid of the silly and groundless fears it entertained on these points. To talk of this nation, its Crown and independence, being menaced by a petty sovereign or prince at Rome, was really too ludicrous. Why, if England had not concurred in the invasion of Rome by the French, that temporal prince, the Pope, would probably be now no prince, there would be a republic established at Rome, and, perhaps, the religious separated from the political power for ever. But the country was misled by these phrases, which were so misused by the noble Lord the First Minister of the Crown. "A foreign Power had endangered the supremacy of the Crown, and attacked the independence of the country." The whole matter was one of idea, of sentiment, of that fine material that it was impossible for an Act of Parliament to grapple with the case before them. He admitted the insult and offensiveness of the language—it was repulsive to their feelings that such language should be addressed. But, admitting all that, he was at a loss to discover how legislation could affect the question beneficially at all. The noble Lord (Lord John Russell) had told them that this Bill would meet the emergency, and no more. He thought the noble Lord was wise and prudent in not making it more stringent than it was. Of course the noble Lord consulted the law officers of the Crown. It was well known that he consulted the bishops; and he doubted not he consulted the noble Earl who filled the office of Lord Lieutenant in Ireland. The noble Lord informed the House that the Bill would meet the emergency, and that he had proposed nothing that was not required for the precise evil complained of; and yet, within a few days subsequently, three-fourths of the Bill were given up. After three months of discussion and consultation with all these able and learned and pious men, with whom the noble Lord had been consulting, he admitted that he knew not the nature of his own Bill; and upon the occasion of the second reading, consequently withdrew three-fourths of it. He (Mr. Bright) was then arguing that the noble Lord did not know where he was hit, or the remedy for the wound of which he complained; and the fact of the withdrawal of three-fourths of the measure supported his (Mr. Bright's) argument. The noble Lord had retained the clause forbidding the assumption of titles. Well, assuming titles would be illegal by the Bill, what was the result? At present the assumption was not legal, and titles assumed by Roman Catholic ecclesiastics were looked upon as mere matters of courtesy, which gave no status, or rank, or precedence over any other subject of the realm. But in any case the Roman Catholics only would submit to the authorities of these dignitaries—no matter whether bishops, cardinals, or archbishops. But was there no effect produced by the Bill? Already the noble Lord had thrown over the Protestant feeling of the country, the sentiments of the Cummings, the M'Neiles, and the Stowells. It was not a question of Protestantism at present; it was a question of politics. He begged to ask the noble Lord, then, as a question of politics, who was injured by the Bill? The noble Lord did not touch the Pope. He (Mr. Bright) believed the Pope acted very foolishly, and that Cardinal Wiseman also acted foolishly; but both would go unscathed. The true sufferers would be the wearer of the Crown, and the millions of subjects professing the Roman Catholic religion. Look at the speeches, the writings, and the denunciations of the last six months. Was it possible that all these could have occurred in the United Kingdom without producing a permanent evil as regarding the harmony and the well-being and strength of the nation? Then take Ireland alone. There had been a great gulf heretofore existing between England and Ireland created by their past legislation. The noble Lord had helped to widen and deepen that gulf, and there was now a more marked separation between the countries than had existed at any period in the last twenty years. They had, by their legislation, taught 8,000,000 of their fellow-subjects that their priests were hated by the British Legislature, and that they themselves were treated with disrespect, and their loyalty denied by that House and the leading Minister of the country. That was an evil of great magnitude, and one that they were bound to take into consideration. They had been informed not long since that at the Thurles Synod, half the Prelates assembled were in favour of the colleges, and the other half against them. He doubted not if a second synod took place, there would be a unanimous feeling against them. The noble Lord heretofore had a party amongst the ecclesiastics of the Church of Rome; but he had destroyed that party by his policy, and rendered them unanimous against the Protestant Government of that country. He asked any Gentleman there, not a Roman Catholic, what would be the effect of the recent proceedings on him if he were a member of that Church? Did that House suppose there was a Roman Catholic family in the empire, when assembled round the hearth, that did not entertain a greater reverence for the Pope now, than before these mischievous proceedings commenced? And did it not stand to reason that the missionary agencies of that Church, scattered over the kingdom for the conversion of Protestants, would take fresh hope from the paroxysm of terror and alarm into which the Protestants of England had thrown themselves? The apostles overthrew the Pagan worship of Rome; Luther, single-handed, wrested whole empires from the Pope; whilst here was a Church endowed with millions, and having 15,000 learned clergymen for its guidance and control, thrown into a paroxysm of terror, and all that by a Church which, in these realms, had not the thousandth part of the advantages possessed by its opponents. He wished the noble Lord had told the

House where the gain lay. Was it in the preamble of the Bill, which referred to the inviolable character of the Established Church in Ireland? Every one was aware that the Established Church in Ireland was not worth one good man raising his voice in its support; and the noble Lord well knew that it only waited the lifting of his own finger to ensure such a majority in that House as would suppress by Act of Parliament that Church for ever, notwithstanding its inviolable character. Was it as a matter of gratification to the ministers of the Established Church that the noble Lord introduced the measure—a matter of strife and rivalry between the Bishop of St. James's-square and the Archbishop of Golden-square? Was one to be suppressed for the satisfaction of the other? In such a case there would be no great gain to the people, to political freedom, or to the Christianity of this country in suppressing one ecclesiastic, and conferring dominance and power on the other. In his opinion the noble Lord made a great mistake. In the first place, he wrote a letter to the Bishop of Durham, and then consulted with the Bishop of London. A more unsafe man than the Bishop of London he could not have selected. Look at his character. He was an amphibious creature, reported by one to be a Puseyite, whilst another said he was on the high road to Rome. He (Mr. Bright) was sorry to hear the amount of abuse that was lavished upon him; and yet the noble Lord "rejoiced that he had the consent of that prelate." That ecclesiastic, with 20,000 excellent consolations, shed tears in presence of a deputation that waited on him. But doubtless they resembled the tears shed by the Syrian monk, who declared, according to the historian, that "tears were as natural to him as perspiration." However, it would appear that the said monk was less wise than the Bishop of London in another regard, for another historian related of him that he feigned insanity in order to escape being made a bishop. It was evident that the noble Lord at the head of Her Majesty's Ministry was in a quagmire, and he knew it well. It would be far better for the interests of the Crown, of the kingdom, of that House, and of Christianity, if the Bill were withdrawn, instead of being proceeded with. There was no one in favour of the Bill beyond the noble Lord himself, as not one of his colleagues had really made a good fight for it. The Government supporters disagreed; and even the law officers of the Crown gave different accounts of the measure. The hon. Member for Midhurst made an excellent speech, not in favour of the Bill, but against Papal aggression; and concluded his speech with a request, that he should be permitted to substitute a new preamble and new clauses, which he was perfectly ready and willing to do. He (Mr. Bright) doubted not when they got into Committee the hon. Gentleman would submit these clauses. But the Bill of the noble Lord was repudiated by all classes; and the press also repudiated it. It was well understood that the noble Lord was practising a cheat, a delusion on the people of England. The people had been clamouring for resistance to the aggression of the Pope, but not for such resistance as this measure afforded. They expected something that would be felt; but not the pretence of a measure, which, whilst it insulted Roman Catholics, offered no defence to Protestants. There was also a remarkable point in the matter. He (Mr. Bright) did not find any of the holy men of that House in favour of the Bill—men who were really attached to the Church of England. The hon. Members for Oxford University, for Kent, for Midhurst, not overlooking the Solicitor General: not one of them was to be found struggling in favour of the Bill. It had been said *Multæ terricolis linguæ cœlestibus una.*" But it did not appear that the celestial in that House were more agreed about the matter than any of those who felt the least regard for Protestantism or Catholicism. If the noble Lord could not bring a united Cabinet or party—if out of doors nobody was in favour of the Bill, and the press was almost unanimously against it—it was a fair ground for asking the House to proceed no further with the measure. If legislation were necessary at all, let it be substantial and to the purpose; if they were to obey the clamour out of doors, let them satisfy it by some substantial measure of legislation. It was said that there was a cry out of doors for a dissolution of Parliament, and he rather thought some hon. Members were afraid of that. The hon. Member for Salford (Mr. Brotherton) had said that he and his colleague did not speak the sentiments of their constituents; but, at least, they spoke their sincere conviction. A reverend gentleman (the Rev. Hugh Stowell), one of the constituents of the hon. Member for Salford, whose Protestantism seemed to be vituperation, and his Christian charity clamour, had thanked God that he was represented by the hon. Member for Salford. He was sure his hon. Friend must feel it humiliating to be patronised in such a manner. But he would admit that many Members acted in a manner opposed to the sentiments of a large number of their constituents. What of that? If there were any truth in the representative system, the 656 men returned to that House might be considered as of the foremost men of the country. It was not their duty to be the victims, subjects, and tools of a cry, but manfully and boldly to withstand it, if they believed it to be a hollow one. Of course, this language would not apply to hon. Members who conscientiously differed from him on that question; but he must be very blind who did not know that the effect of this cry, for which the noble Lord was largely responsible, was one not a few Members were disposed to follow. They ought to resist the cry, to stem the torrent; and it would be infinitely more honourable to go home to their avocations, if they had any, and abandon public life for ever, in defence of principles they had always held to be true, rather than be instruments of a cry to create discord between the Irish and English nation, and perpetuate animosities which the last twenty-five years had done much to lessen. They were there to legislate calmly and deliberately, without reference to the passions and contending factions that might rage out of doors; they were in a position to see pre-eminently that the course in which the noble Lord had been so recklessly dragging them was fruitful in discord, hatred, religious animosities—that it had separated Ireland from this country, had withdrawn her national sympathies from us, and had done an amount of mischief which the legislation of the next ten years could not entirely if at all abate. No one would have touched that Bill—certainly not the noble Lord—could he have foreseen all the difficulties that had arisen out of it. First of all, the Government had been broken up, though probably the noble Lord was patriotic enough to believe that that was not a national calamity. But the business of Parliament had been stopped for half a Session; and they were not at the end of it yet; the Speaker had not left the chair; they were only on the brink, and about to plunge in. An hon. Gentleman had a proposition to be supported by a large number, for a measure infinitely more stringent; and the noble Lord would not carry his own measure but by the support of those who wanted one much more stringent. But those who wanted persecution would rather take a little than be entirely baffled. The noble Lord would not withdraw the Bill, because it would be humiliating to do so. But was it not very humiliating to go on with it; to be legislating for no practical good result; to pass a measure which he knew would not satisfy those to appease whose clamour it was proposed, and must produce the worst effects between England and Ireland? In 1829 a measure was passed—long delayed—which professed to give Roman Catholics all the liberty we ourselves enjoyed. He would manfully stand upon that Act. It was far better to have faith in the population of this country, to bind them to the Legislature and the Crown by a generous and confiding treatment, than to proceed in such a course as the House was now invited to enter on. The noble Lord thought there was great danger in this aggression of the Pope. How was there any danger? The Pope could have no authority, except over the Catholics. It was said there were 8,000,000 in Ireland; and should the number in England and Ireland increase to 20,000,000, there would be great danger of the Roman Catholic religion becoming the established religion of the country—should an Established Church exist so long. Therefore, the argument of danger supposed the conversion of the people; for it was only by this means that the country could, to any considerable degree, come under the rule of the Pope. The noble Lord had drawn up an indictment against 8,000,000 of his countrymen; he had increased the power of the Pope over the Roman Catholics, for he had drawn closer the bonds between them and their Church and the head of their Church. The noble Lord had quoted Queen Elizabeth and the great men of the Commonwealth, as though it were necessary now to adopt the principles which prevailed almost universally two hundred years ago. Did the nable Lord forget that we were the true ancients, that we stood on the shoulders of our forefathers, and could see further? We had seen the working of these principles, and their result, and had concluded to abandon them. He had not touched on any matter purely religious; that House was not the place for religious questions. Reflecting on the deep mysteries of religion, his own doubts and frailties, the shortness of the present time, and an awful and unknown future—he asked what was he that he should judge another in religious things, and condemn him to exclusion and persecution? But he feared not for the country on questions like this. England, with a united population—though the noble Lord had done much to disunite them—cared nothing for foreign potentates, be the combinations what they might. England, with her free press, her advancing civilisation, her daily and hourly progress in the arts, sciences, industry, and morals, would withstand any priestly attempts to subjugate the mind, and successfully resist any menaces whether coming from Lambeth or from Rome. He was one of the sect which had invariably held the principles he now advocated, which had in past years suffered greatly from those principles which the noble Lord now wished to introduce into our legislation. He could not do otherwise than raise his voice against such an attempt, and asked the noble Lord not to proceed further. He should therefore vote with the greatest pleasure against the Speaker leaving the chair.

Mr. SCULLY moved the adjournment of the debate. They had not yet heard the opinion of the right hon. and learned Attorney General for Ireland, the legal adviser of the Government in that country. There were other opinions, which they should also be anxious to hear. There was an opinion he had read with great pleasure, and he should be anxious to hear an explanation of that opinion from the hon. and learned Gentleman who gave it. He referred to the opinion of the hon. and learned Gentleman the Member for Aylesbury (Mr. Bethell). This question should be properly argued, and he therefore moved the adjournment of the debate.

Motion made and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 54; Noes 365: Majority 311.

List of the Ayes.

Armstrong, Sir A.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Blewitt, R. J.
Bright, J.
Castlereagh, Visct.
Clements, hon. C. S.
Corbally, M. E.
Crawford, W. S.
Devereux, J. T.
Fagan, J.
Fox, R. M.
Fox, W. J.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Herbert, H. A.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Howard, Sir R.
Keating, R.
Keogh, W.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Manners, Lord J.
Moore, G. H.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Ponsonby, hon. C. F. A. C.
Power, Dr.
Power, N.
Reynolds, J.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Somers, J. P.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Tennent, R. J.
Towneley, J.
Wegg-Prosser, F. R.

TELLERS.

Scully, F.
Lawless, C. J.

Lord JOHN RUSSELL must deprecate the course taken by certain hon. Members. After they had been four nights discussing the introduction of the Bill, and seven nights more upon the Second Reading, he thought they might now fairly go into Committee. He did not, however, wish to keep the House there all night, and he would therefore consent to the adjournment of the subject until Thursday.

Debate *further adjourned* till Thursday.

PROPERTY TAX BILL.

Order for Third Reading read.

The CHANCELLOR of the EXCHEQUER moved the Third Reading of this Bill.

Mr. COWAN said, he had given notice that Schedule D should be repealed, and that in lieu thereof there should be introduced a general system of licences and certificates, which should embrace all kinds of trades which now come under Schedule D. He apprehended that this question might, with great propriety, be submitted to the consideration of the Committee which had been obtained on the Motion of the hon. Member for Montrose (Mr. Hume). A sum of 1,100,000*l.* was levied by licences and certificates at present. There was only once dice-maker in the whole kingdom. No complaint was made of this description of duty with the exception of the attorneys. He trusted the Motion would receive the careful attention of the House.

Mr. HERRIES asked the Chancellor of the Exchequer to postpone the third reading until the Committee had been nominated.

The CHANCELLOR of the EXCHEQUER said, that the understanding with the House was, that the tax should be renewed for one year, subject to the appointment of a Committee; and it was most desirable that the Bill should be at once passed, in order that arrangements for its assessment might be made. Some little difficulty had been experienced with respect to the appointment of the Committee in consequence of some hon. Members whose assistance they had hoped to have had, having declined to serve. He trusted, however, to be able to lay the names before the House to-morrow.

Colonel SIBTHORP wished to know what would be done respecting the pay of military and naval officers.

The CHANCELLOR of the EXCHEQUER said, that all questions relating to trades and professions would be referred to the Committee.

Bill read 3° and passed.

CONVENTS—PETITION OF THE REV. PIERCE CONNELLY.

The Earl of ARUNDEL and SURREY moved, pursuant to notice—

> "That the Order of the House (8th May), that the Petition of the Rev. Pierce Connelly be printed for the use of Members only, be read, for the purpose of being discharged."

Mr. STAFFORD thought that this might not be agreed to as a matter of course. The allegations of the petition were so extraordinary, affected so many persons, and, in reference to the circumstances of the day, were so important, that there was some danger that the House, in agreeing to this Motion, would open up a long controversy of personalities and recriminations. And, without asking the noble Earl to postpone the Motion, he (Mr. Stafford) would beg of him to state the course which he contemplated taking.

The Earl of ARUNDEL and SURREY said, that the character of the petition and the excitement of the period in which it was brought forward, supplied the reasons why he now made this Motion. The petition made grave charges against various persons; and, in his opinion, he believed mischief would arise if they only obtained a half publicity. When the Motion was made in the Committee on Public Petitions that this petition should be printed for the use of Members only, he moved that it be printed in the ordinary manner, and having failed in that, he now moved that it be not printed at all. All that he wanted was that there should be a proper inquiry; and, as a matter of justice, he demanded of the House, that it would consent to the Motion he had now made. It was necessary to have certain information, and that a full investigation should be instituted; and he was satisfied in his own mind that the result of the inquiry would be to prove that this petition was one string of gross misrepresentations.

Mr. THORNELY said, as Chairman of the Committee on Petitions, the House would perhaps allow him to explain the reasons which had actuated the Committee in this matter. The petition had given rise to considerable difficulty, and the question as to its disposal had been postponed once or twice. This petition related to very important questions now before the House, and its authority was guaranteed, as far as it was possible, by the name of an hon. Member of the House having been placed among the signatures attached to it. The Committee found that they could not take the ordinary course, in consequence of the seriousness of the allegations made, and after much discussion and deliberation they had concluded that it was their duty to print the petition for the use of Members only. Further consideration of the matter was undoubtedly required; and he agreed with the hon. Member for North Northamptonshire (Mr. Stafford) that the Motion ought to remain over.

Mr. GRANTLEY BERKELEY did not see why the Motion of his noble Friend should not be agreed to. Some 656 of the petitions had already been printed, and it was absurd to suppose that this amounted to privacy. The public would want to know what was in the petition, and if there were calumnies in the case, no flimsy veil of secrecy should be thrown over them.

Sir R. H. INGLIS said, that he was the individual who, in the Committee, had moved the restricted printing of the petition, and he believed that the House would come to the conclusion that the grounds on which he rested the propriety of that measure were satisfactory. The petition contained the gravest accusations against individuals; but they were accusations with which it was desirable that the House should be made acquainted, because they referred to a system which an hon. Member had obtained leave to bring in a Bill to supervise. So long as the petition was confined to Members only, no informer could avail himself of the statements it contained; but if it were made a public document, the House would run the risk of seeing another Stockdale *versus* Hansard, or even another Howard case.

Mr. C. ANSTEY did not see that the difficulty alluded to by the hon. Baronet was likely to arise. He concurred in the Motion of the noble Lord (the Earl of Arundel and Surrey), but he thought that their attention had not been called to the fact, that these papers had been made as public as the proceedings in the Ecclesiastical Court could make them. Another matter he wished to allude to—whether the point of honour alluded to by the noble Lord was so important as to make it incumbent for any hon. Member who received a paper like a copy of this petition under the restrictions specified, to refrain from taking the necessary steps to enable him to verify or disprove the statements? He saw no reason in the world why he should not put himself into communication with one and all of the parties referred to in the petition, and this was a strong reason why he should agree to the Motion.

Mr. DRUMMOND would vote whichever way the noble Lord (the Earl of Arundel and Surrey) desired. Having been intimately acquainted with the petitioner for some years, he had seen all the documents connected with the case; and, for his part, he saw no possible objection to having them printed.

Sir GEORGE GREY said, that the Committee on Printed Papers, which sat some years ago, expressed an opinion that Members need not feel themselves precluded by a feeling of honour from instituting any inquiry into the facts of a petition printed for the use of Members only, for the purpose of determining whether the statements contained in the petition were true or false. If the noble Lord (the Earl of Arundel and Surrey), therefore, desired to investigate the allegations contained in this petition, he was at liberty to do so; but as the Printing Committee had come to the resolution that the petition should be printed only for the use of Members, he thought that the House ought to support that decision.

The Earl of ARUNDEL and SURREY did not in any degree blame the Committee on Public Petitions for the course they had taken. He begged to ask if he was at liberty to place the petition in the hands of such as might be able to satisfy him on the subject?

Mr. KEOGH thought it impossible that this matter could be allowed to rest. Public anxiety would be excited to obtain access to the petition, which was known to contain most slanderous charges. Why should it be circulated among upwards of 650 Members, and denied to the public? He thought that on the grounds of fair play and common justice, the request of the noble Lord should be acceded to, and that the petition should be generally circulated.

Mr. NEWDEGATE thought that all due caution should be exercised in a matter of this sort. He trusted that the right hon. Baronet (Sir George Grey) would be able to assure the House that if the Motion were agreed to, it would not place the House in any position of difficulty.

Sir GEORGE GREY could give no such assurance. The petition contained matter deemed grossly slanderous, and it had therefore come under that class of petitions which the Committee conceived should be only printed for the use of Members.

Mr. AGLIONBY said, the course that had been already taken had all the disadvantages, with few of the advantages, of the course now proposed. They had done all the moral mischief that was likely to result from publication by printing 650 copies, many of which, he had no doubt, had been extensively read.

Sir BENJAMIN HALL had read the petition, and he must say that he had never seen any petition presented to that House containing charges of a more serious nature. The character of persons who ought to have stood well with the public was seriously attacked; and he thought that the Committee had exercised a sound discretion in printing the petition for the use of Members only. He would certainly vote against the Motion, unless the noble Lord (the Earl of Arundel and Surrey) would bring the subject-matter of the petition under the notice of the House. If the noble Lord would say that he intended bringing it before the House, he (Sir Benjamin Hall) would at once vote for the printing of the petition. Unless the noble Lord gave him that assurance, he would give his vote in favour of the course which had been pursued by the Committee.

Mr. HENLEY would not consent to the printing of the petition, if it were to involve the House in circumstances of difficulty, such as they had experienced three or four years ago.

Mr. DUNCAN said, the Committee had discussed the subject at more than one sitting, and they were of opinion that they had adopted the wisest and the safest course.

Mr. REYNOLDS said, the Committee had published 658 copies of the slander. He did not see why the Motion should not be carried. The noble Lord (the Earl of Arundel and Surrey) only wished that the slanders should be known.

The CHANCELLOR of the EXCHEQUER thought the view taken of the matter by the hon. Member for Oxfordshire (Mr. Henley) was the correct one. If it could be shown to be necessary that the petition should be made known to the whole world, they might carry this Motion. It was perfectly clear that the parties whose characters were affected by it were perfectly cognisant of it; it could not, therefore, be necessary that the petition should be published to the whole world for parties to contradict it. The real question was, whether they should publish to the whole world that which was asserted to be a libel. He thought the decision of the Committee was a wise and prudent decision, and he trusted the House would support it.

Mr. BROTHERTON said, the Committee were under considerable embarrassment, owing to a Bill being before the House which related to the subject-matter of the petition, and they did not wish to be charged with suppressing facts; and, on the other hand, they did not wish to circulate libels throughout the country.

Mr. MOORE wished to know whether he was to understand that the more slanderous a petition was, the more they were to deny to parties the right of contradicting the slanderous allegations? He thought they ought to proceed on an opposite principle, and therefore he would vote for the publication.

Motion made, and Question put, "That the Order of the House be read for the purpose of being discharged."

The House divided:—Ayes 41; Noes 131: Majority 90.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, May 13, 1851.

Minutes.] Public Bills.—1ª Property Tax. 2ª Marriages (India).

MARRIAGES (INDIA) BILL.

Lord BROUGHTON moved the Second Reading of the Marriages in India Bill. In the month of April last, the Commissioners appointed to inquire into the subject presented their second report to Her Majesty, in which they assigned their reasons for recommending some legislation on this subject. The necessity for legislation had been admitted by all the distinguished lawyers of the last half century, including Sir Samuel Romilly, Sir Arthur Pigot, Sir Christopher Robinson, and others. It had also been recommended by the present Lord Chief Justice of the Queen's Bench, and the Lord Chancellor. The report of the Commissioners to which he had alluded contained a recommendation that all marriages heretofore bad within the territory of the government of the East India Company, whether solemnised by any minister of the Church of Scotland, or any other minister, or by any layman, should be declared good and valid; and, secondly, that the marriage law of India should be made conformable in all respects to the law now existing in England. The Bill, which had been prepared on the subject with the greatest care, had been sent to India, where it was approved of by the Government, and had received the assent of the Commissioners, including the late Recorder of the City of London, the late Lord Advocate of Scotland, and Dr. Lushington. There were only at present in India 1,045 clergymen of all denominations, of whom 789 were ministers of the Roman Catholic religion, who were competent to solemnise marriages. Besides these, there were laymen who had been in the habit of solemnising marriages under the authority of the Governor General; but these were the marriages which were most frequently called into question. Even so lately as the year 1849, an attempt had been made in the Supreme Court of Bombay to quash an action for criminal conversation, on the ground that as there was no marriage, no damage had been sustained. The Court, in that case, decided that the marriage was good; but the Supreme Court of Madras, upon a precisely similar state of facts, held that the marriage was not valid. Now, as our population and our empire in that part of the world were daily increasing, it was not only expedient, but absolutely necessary, to render the law on so important a subject certain and satisfactory. There were at present only six ministers of the Free Kirk of Scotland in India; and every one of the marriages celebrated by those clergymen might be questioned. Certain regulations had been made by the local Government of India to authorise those marriages; but to make the law generally operative, there must be legislation in England. It was in consequence of the many appeals, so well founded, which he had received from all parts of India, and in consequence of the numbers of persons, both in Great Britain and in India, who called for the application of a remedy to this acknowledged evil, that he now called upon their Lordships to read this Bill a second time. The Bill, as he before said, was drawn with the greatest possible care; but if their Lordships would now consent to read it a second time, he would be happy, when it was in Committee, to attend to any suggestions which might be made with the view of rendering it more effective.

The Earl of ELLENBOROUGH did not object to the principle of the Bill, but entertained grave objections to many of its details. He was opposed to the details, because they were loaded with forms not compatible with the rules which regulated society in India.

Bill read 2ª, and committed to a Committee of the whole House on Tuesday next.

COALS FOR THE NAVY.

The Earl of ELLENBOROUGH called attention to the recent experiments which had been made at Putney with coals intended to be consumed in the Navy. The report of the gentlemen employed, Sir Henry de la Beche and Dr. Lyon Playfair, which had been recently presented to the House, stated that specimens of the coal of foreign countries had been furnished, but in such small quantities, that the experiments could not be made in that satisfactory manner which was so essential for the service. He suggested that it would be better to get coals from foreign countries, and especially from India, in such quantities that experiments might be made under the boilers. He also thought it would be desirable that those experiments should be carried much further, and that every atmospheric and other experiment should be tested with the view of determining the most speedy mode of generating steam.

The Earl of MINTO was understood to observe in reply, that no large quantity of foreign coals had been sent, but that everything had been done which it was possible to do with the quantity.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 13, 1851.

The House met, and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till To-morrow.

HOUSE OF COMMONS,

Wednesday, May 14, 1851.

Minutes.] Public Bills.—1° Sequestration of Benefices.

2° Charitable Institutions Notices; Landlord and Tenant.

THE COUNT OUT.

Mr. CHRISTOPHER said, that he did not know whether that was the proper time to take notice of the very extraordinary proceeding of the day previous, when no House was formed. Had it been an ordinary occasion, he should not have called the attention of the House to the subject, but considering that there were on the notice paper a Motion by the hon. Member for Montrose (Mr. Hume) for extended franchise, shorter Parliaments, the ballot, and what he called a more uniform regulation with regard to electoral districts; and the other an Amendment to be moved by the hon. Member for Finsbury (Mr. T. Duncombe), pledging the House next Session to take into consideration the state of the representation of the people, with a view to an extension of the franchise; and, considering also that some hon. Members of that House had, in the course of the present Session of Parliament, agitated the question of Parliamentary reform out of doors before large masses of the population—that they had expressed over and over again, their zeal that this Motion should be soon brought under the consideration of the House—and that Her Majesty's Government, on a Motion with regard to the state of the representation of the people, were placed in a minority and forced to resign their offices—he did think that it was rather an extraordinary thing that only twenty-one Members should have been present to form a House, and that out of these there were only six who deserved the name of "radical reformers." He did not know whether the hon. Member for Montrose was enjoying himself with the company who were for the first time taking a ride in Kensington-gardens; but he thought that hon. Member, having a Motion on the notice paper, might have been present to assist in making a House. He believed, too, that there were only two Members of the Government present at four o'clock. The hon. Member for Finsbury, on a former occasion, quoted an expression of Mr. Canning's, that it was the duty of the subordinate Members of the Ministry to make a House, to keep a House, and to cheer the Minister. Things were, however, materially altered since that time, and he believed that it was now the duty of certain official Gentlemen when it suited the convenience of Government that there should be no House, not to "whip in," but to "whip out;" and considering what had occurred on several occasions lately, he believed that they were not animated by any particular earnestness to form a House yesterday. He had observed that the two hon. Gentlemen (the Secretaries for the Treasury), whose duty it was to make a House, entered the House a minute or two before four o'clock; but although there were in the lobby many Gentlemen who were in the habit of supporting the Government, it so happened that only these two Gentlemen came forward to support the party of the Government on this occasion. He wished the House to estimate the zeal of those Gentlemen who were so anxious for Parliamentary reform. Where were the hon. Members for Manchester (Mr. Gibson and Mr. Bright), and the hon. Member for the West Riding of Yorkshire (Mr. Cobden)? He was not surprised that Gentlemen connected with the Government were not there, for it might have been an awkward thing for them to be again placed in the position in which they were when the hon. Member for West Surrey (Mr. Locke King) brought forward his Motion. But where was the hon. and learned Attorney General? On a late occasion he pledged himself to his constituents to support most extensive, if not extreme measures of Parliamentary reform; and as he would be called upon by the Government to draw their measure for Parliamentary reform, he ought to have been in his place, either to state that the pledges that he was said to have given to his constituents were improperly reported, or to give his views upon this great question. He thought the country should know whether the supporters of Parliamentary reform in that House were sincere or not. Surely, when there were 150 Gentlemen ready to support extensive measures of reform, thirty at least of them might have been present; but what would the country think when they found that only six of them attended at four o'clock to form a House when notice had been given of a Motion on that subject.

Mr. HUME was very glad the hon. Member (Mr. Christopher) had brought the subject forward. Reformers who were not engaged in the business of the House, certainly ought to have been in their places. He (Mr. Hume) was attending the Army, Navy, and Ordnance Committee, which had been sitting for three years, and had a most important discussion on Tuesday respecting the recommendations of their Report; the moment the officer announced that the Speaker was at prayers, he (Mr. Hume) said to a colleague, "I must be off to assist in making a House," and they got up immediately and came down "post haste" to the door, and got there just as the counting was over, and he was informed there was no House. That was the explanation of the cause of his absence. Had the distance been less, they would have been present to assist in making a House. He must leave others to account for their absence as they could; but the hon. Members for the West Riding of Yorkshire (Mr. Cobden), and for Manchester (Mr. Gibson and Mr. Bright), were also on Committees upstairs. The hon. Member (Mr. Christopher) seemed to think there were men pretending to be Reformers who were hollow, and wished to evade the question; but he (Mr. Hume) was not within that class. He considered the question one of vast importance. He was aware that he proposed probably more than the House would be disposed to vote; but he wished to show to those who were maligning him, and accusing him of wishing to destroy the constitution, that the best course to adopt was a timely reform of abuses, the restoration to the population of the rights they ought to have, and not allowing discontent to spread through the country. Notice had been given that the Government intended next Session to bring something of the kind forward, and he wanted to show what they must do if they would redeem their own pledges and give satisfaction to the country. It was a great disappointment to him that he had not the opportunity of doing this; he had been perfectly ready; and if that were not enough, he was anxious to have a preliminary discussion on the subject of Kensington Gardens. He did expect that some of those who pretended, or said that they desired, to support him on that occasion, would have been present. However, all that could be done was to take care for the future. Let bygones be bygones. His only wish was to show that he had not been lax or unwilling.

Sir GEORGE GREY said, that the hon. Member for Montrose had satisfactorily accounted for his not having reached the House before four o'clock, the latest hour at which a House could be formed. No one could doubt the sincerity of his desire for Parliamentary reform; and no doubt the reason that only twenty-one Members were present at four o'clock was that, as a distinct notice had been given that the Government intended next Session to bring forward a measure for Parliamentary reform, the House (after being kept up to a late hour on the previous evening by a debate on an important subject) were indisposed to enter into a discussion that could lead to no result during the present Session.

Mr. J. WILLIAMS said, that he felt disappointed at the conduct of the hon. Member for Montrose (Mr. Hume), and at the poor explanation which he had given of it. Only the day before, however, he boasted, at a meeting at Marylebone, that he had more friends amongst the Conservatives than amongst the Liberals; but he (Mr. J. Williams) could not congratulate the hon. Member on his new alliance.

Mr. HUME said, that, if the hon. Member for Macclesfield stated what took place in Marylebone, he should state the truth; or at all events he should state accurately what took place. What he (Mr. Hume) said was, that no man had done more in opposition than he had, but that he had always endeavoured to act so that those whom he opposed should not be his enemies; and that he could look to either side of the House and say that he had as many friends in the House of Commons who were Conservatives as Liberals. He said this in order to counsel parties who were acrimoniously attacking each other, to act as he had endeavoured to do, not in a personal manner, but on principle; and by that means they would abate a good deal of the acrimony which was unpleasant anywhere, but more particularly in so large a parish as that in which his hon. Friend (Mr. Williams) was urging on parties to acrimony and abuse.

Mr. TRELAWNY said, that he was engaged in the Committee on Church Rates on Tuesday. He did not think the conduct of reformers, in reference to this Motion, and the Motion of the hon. Member for West Surrey, was at all creditable to them.

Mr. W. WILLIAMS would submit to the consideration of the House whether some new regulation ought not to be introduced with reference to forming a House. The Motion of the hon. Member for Montrose (Mr. Hume) was one of great importance; and at the time when the House should have met yesterday there were twice as many Members in the lobby and library as would have made a House. There were two persons in the lobby stopping Members who were entering. It was continually said the Government ought to form a House; but they ought not to expect the Government to perform that duty any more than Members themselves. An effective system could be introduced if the House were divided into panels, and attendance required from them in succession. When it was ordered that forty Members should be present to make a House, the House met at 9 o'clock; the business would be exhausted at 4 o'clock; and when forty Members were not present the House adjourned.

Mr. BANKES said, that so far as related to the Members of that Committee on which the hon. Member for Montrose and he were sitting with some eight others, the cause of their non-attendance was the great distance of the Committee-room from the House; and one of the results of the inconveniences of this vast and overgrown building was, that in such cases as had occurred, it occupied four or five minutes at least to get from the one chamber to the other. He had intended to be present himself to aid in forming a House. It was unnecessary he should corroborate what had been said by the hon. Member for Montrose, whose word no man could doubt on any occasion; but it might be stated that the Committee were engaged in a very important duty, namely, the consideration of their Report.

Mr. REYNOLDS thought there was one fact worth being known by the public with respect to this case, namely, that all the Reformers of England were in one Committee; which appeared to him as strange a circumstance as that the hon. Member for Montrose should have taken possession of the Protectionist benches. These were two extraordinary features of the case in regard to that party. His object in rising, was not to mix himself up with this qnarrel, which was a very tolerable quarrel as it stood, and the least possible explanation would spoil it. But he could not help expressing his astonishment when he thought of the small number of Reformers present yesterday, and of the great spring tide of Reformers that would flow in when the great principles of religious liberty were to be violated. They would be there to-morrow, when the noble Lord at the head of the Government moved another stage of the "Aggression" Bill; and when the hon. Member for Bodmin (Mr. Lacy) brought in a Bill to insult the religious ladies of his (Mr. Reynolds') creed, there would be no danger that there would not be plenty of Reformers then to make a House. He was there yesterday, though he had nothing to do with the question, except that he was bound to the principle of extending the Parliamentary franchise; and he saw many Reformers now present taking shelter in holes and corners in the lobby. He saw them like drowned political rats there and in all the corridors, apparently to avoid being called on to aid the Nestor of Reform in forming a House. In the remarks he had made, he meant no personal offence; but, wishing hon. Members joy of their quarrel, he hoped the people of England would interrogate them on the subject at the hustings at the first convenient opportunity.

Mr. S. CRAWFORD said, it was impossible for any man to doubt the sincerity of the hon. Member for Montrose, yet there were circumstances which could not fail to attract attention. One was, that the hon. Member for Montrose proposed to bring forward another Motion in precedence to that on Parliamentary reform. It was singular that the idea of such a course of proceeding should have been entertained by the hon. Member, for the question of extending the Parliamentary suffrage was too important to be put aside for a moment by the other. He (Mr. Crawford) was also surprised at the notice of Motion given by the hon. Member for Finsbury (Mr. T. Duncombe), and that hon. Member was not present yesterday. If the body of Reformers returned to that House pledged to advance liberal principles were earnest in the cause, they would take care to have a sufficient number of Members present to make a House when the occasion required it; and he did not impute blame to the Government as if it had been their duty to make a House. That was not the duty of the Government in particular, but the duty of those who were sent to that House to advocate the rights of the people.

Mr. Reynolds

Mr. BERNAL regretted that his hon. Friend who had just sat down should have gone out of his way to attack the hon. Member for Finsbury, who was absent. He (Mr. Bernal) had himself had occasion, on coming to the House, to entreat the hon. Member for Finsbury not to expose himself to the very inclement atmosphere that prevailed; and, although he could not at that moment state that the hon. Member had been prevented from attending by sickness, he would remind his hon. Friend that such an atmosphere was not at all genial for one in the state of the hon. Member for Finsbury, who was the last to shrink from his duty; and he hoped the hon. Member for Rochdale would come to the conclusion, that it would be quite as well to wait till the hon. Member for Finsbury was in his place.

Mr. AGLIONBY said, there were many difficulties which might prevent hon. Members from arriving at the House at the exact moment when a House had to be made. Many sincere Reformers might, from mere accident not be able to attend; and unless a summons were given, or the bell heard, Members of the Committees sitting daily, could not be expected, as a matter of course, to come down stairs to the minute. No man had done more for reform than the hon. Member for Montrose. The hon. Member was there within a minute after the House adjourned. He (Mr. Aglionby) met the hon. Member at the door. He was present himself, but it was a mere accident, because he got in before the clock pointed at four, and had he been half a minute later he would have been too late. Although he had come to make a House, and on a division would have supported the hon. Member for Montrose, he hoped the hon. Member would pardon him if he expressed a doubt of the discretion with which notice had been given of the Motion. He also doubted the expediency of the hon. Member for Finsbury's Amendment. Hon. Members would be put in a false position on either, and, though he had misgivings as to whether the Government measure promised for next Session would go so far as he desired, he, for one, was content to bide his time.

Sir JOHN PAKINGTON would put it to the House, whether it was advisable to incur a still further waste of time by a discussion with respect to the loss of an evening?

Subject dropped.

ADVERTISING VANS AND BARREL-ORGANS.

COLONEL SIBTHORP begged to ask the right hon. Gentleman the Secretary of State for the Home Department, if he were disposed to adopt any stringent and immediate measures for remedying the existing nuisances and dangerous consequences resulting from barrel-organs and advertising vans? He wished to call the right hon. Gentleman's attention particularly to the fraud that was committed by advertising vans. While the public journals were compelled to pay a duty of 1*s.* 6*d.* on the smallest advertisement, the proprietors of those vans were permitted to exhibit advertisements without any such payment.

SIR GEORGE GREY said, he had already stated that it was undoubtedly the duty of the police to exercise the powers vested in them by law, to remove dangerous obstructions from the public streets. He had called the attention of the Police Commissioners to the case which the hon. and gallant Gentleman had pointed out to him, and he believed it was not a single case. An order had been issued on the 9th of May (since the hon. and gallant Gentleman had brought the case under his notice), directing the police authorities to adopt measures by which such organs should not be allowed to play in any public street or road, in which their playing could be attended with danger. There was ample evidence that those barrel organs constituted a dangerous nuisance, and the owners of the organs had promised that they should not be sent out any more to places within the metropolitan police district. He would ask the hon. and gallant Gentleman, if he should see any more of these organs, to give him notice of the fact, and he would communicate with the Police Commissioners. With respect to advertising vans, it was impossible to define very accurately what was really an obstruction in such cases; but there was no doubt that were they to be found in such places or positions as would lead to the danger of accidents occurring, they ought to be, and would be, equally liable to removal by the police, in the same way as the barrel organs. He did not consider it was necessary to introduce any Bill, as he thought the powers vested in the police under the general law were quite sufficient to meet the case. With regard to the question of revenue, it was not one for him to entertain. If the hon. and gallant Gentleman had any fears for the revenue, he should communicate with his right hon. relative the Chancellor of the Exchequer.

COLONEL SIBTHORP: I beg to say, if the right hon. Gentleman does not bring in a Bill, I will.

ELECTRIC TELEGRAPH COMPANY.

MR. STANFORD begged to ask the right hon. Secretary of State for the Home Department, whether the scale of charges made by the Electric Telegraph Company, for the transmission of information in criminal cases, where their aid is necessary to secure the ends of public justice, has occupied his attention; and whether there is any intention on the part of the Government to ask for Parliamentary powers to secure a "maximum" rate of charge in such cases as is secured to the public for railway travelling?

SIR GEORGE GREY said, he presumed the question had arisen out of an important case that had taken place the other day in one of the police offices, where an objection was taken to the excessive charge of a railway company for sending a communication by electric telegraph. That telegraph did not belong to the Electric Telegraph Company; and he was informed by one of the parties connected with that company, that the charge which was objected to, exceeded very greatly indeed the amount that was charged by the Electric Telegraph Company. There was no necessity for making any change in the law on this subject; and if the hon. Gentleman referred to the Act relating to Electric Telegraph Companies, the 7th and 8th. Vict., cap. 85, he would find that by one of its provisions power was given to the Board of Trade, by which they could direct that the rate of charge, if not agreed on between the Government and the Electric Telegraph Company, where the line belonged to them, or the railway company, where the telegraph belonged to them, should be settled by arbitration. If any person made a complaint that appeared to be well founded, against the amount that was charged, he had no doubt the Board of Trade would exercise the powers vested in them.

LANDLORD AND TENANT BILL.

Order for Second Reading read.

MR. SPOONER moved the Second Reading of this Bill, which he said was for the purpose of facilitating the arrangements between the outgoing and incoming tenant relative to existing crops, and buildings erected at the tenant's own expense. There were very often persons in possession as occupiers and owners of land whose tenancy occupation was liable to be at once determined, either on the death of another, or their own death. The law of landlord and tenant was then laid aside, and the law of emblements came into action. He knew of one case in which a clergyman, after having sowed all his crops, died in November. The incumbent who succeeded him had not the slightest right to receive the rent, or to do anything with the land, until these crops were severed and taken away. The consequence was, that the incumbent, until the following August, received no income whatsoever. But if the incumbent died in September, instead of November, no such consequence would follow. It was, therefore, altogether a lottery upon whom the injury would fall, as it depended upon the particular month in which the death occurred. The object of the Bill generally was to secure to the occupying tenant the full benefit of his own improvements. He did not see how any objection could be made to the principle, although some of the details might not be approved of.

Colonel SIBTHORP said, he objected to the fourth clause of the Bill, which empowers the tenant to remove buildings and fixtures erected by him, unless the landlord shall arrange to take them.

Mr. CHRISTOPHER said, that while he concurred in the opinion expressed by the hon. and gallant Member for Lincoln, there was no reason why they should not agree to the second reading of the Bill.

Mr. PACKE had no objection to the second reading of the Bill, but hoped care would be taken in Committee to make the consent of the landlord or his agent necessary before a tenant should have the proposed power committed to him.

Mr. ROBERT PALMER would not object to the second reading, but thought that in Committee a distinction should be made between dwelling-houses and houses erected for agricultural purposes.

Sir GEORGE STRICKLAND said, that the Bill proposed the most extensive alterations in the law. He was quite certain that every landlord and tenant would make better arrangements between themselves than any law of this House could effect. The custom in the particular part of the country where these questions arose, was the best arrangement that could be made. He thought that the measure before the House was likely, if passed into a law, to introduce uncertainty and litigation as to the rights of either party The power proposed to be given to the occupying tenant, in respect to the removal of buildings, was a most dangerous one. He had so much confidence in the honour of landlords, that he thought they would be likely to do greater justice to their tenants than any law they could pass could enforce.

Mr. SOTHERON said, the Bill gave power to landlords and tenants to enter into arrangements that could not be effected without legislation. At the same time, he was sure that if anything could be done to improve it in Committee, his hon. Friend who had taken charge of the measure would do so with the greatest readiness.

Mr. HUME was afraid the Bill would operate in such a way as to break up all leases, and lead to great litigation. In the leases which he had given, it was provided, that if any tenant erected buildings without his sanction, he should not be allowed to remove them, but the Bill would entirely do away with every such lease. On principle, he was disposed to oppose such a measure, and he hoped the attention of the law officers of the Crown would be directed to the question how far its provisions would affect existing leases.

Mr. BOOKER would not oppose the second reading of the Bill, for he thought it proposed an equitable and fair arrangement between landlord and tenant. But there were some defects in the details which, if not removed, would give rise to interminable disputes at the end of the tenancy.

Sir GEORGE GREY thought the observations of the hon. Member for Montrose (Mr. Hume) were deserving of consideration. That hon. Member had pointed out some manifest defects in the Bill. He did not, however, think that there was any reasonable objection to the principle of the measure.

Mr. S. CRAWFORD said, it seemed to him that the Bill was founded upon the most equitable principle. The objection of the hon. Member for Montrose was removed by the clause which provided that the tenant shall remove his own improvements on the land without injuring the other part of the property; that, in fact, he was bound to place the property in the same position in which he found it.

Bill read 2°.

RELIGIOUS HOUSES BILL.

Order for Second Reading read.

Mr. LACY moved the Second Reading

of the Bill, and said that he must bespeak the indulgence of the House while he introduced so serious a subject to their notice. He would state the general objects of it in a very few words. He should state, in the first place, that the measure applied to religious houses for ladies—not to religious houses for Catholic ladies only, but that it would refer also to religious houses for Protestants, of which he was informed there were some to be found. By the interpretation assigned in the Bill to the words "houses" and "vows," the House would see what class of religious houses were included. It certainly was his intention to provide by the Bill that all houses in which ladies resided who were under religious or monastic vows should be registered. He proposed that in every county where houses of the kind were registered, magistrates should be appointed at quarter-sessions to visit them, and should visit them without notice; and if they found in them any lady who wished to come out, they should have the power to remove her. That was the sum and substance of the Bill, and it was unnecessary now to enter upon its details. Having been more than once asked if he were not going by this Bill to legalise what is at present unlawful, he begged to say that those houses were already legalised by the 10th Geo. IV. c. 7. He stated that fact, so that no Gentleman should vote against the Bill under the mistake that he was about to legalise those houses for the first time. He found by the *Catholic Directory* of this year, that there are now 53 such houses in England and Wales, one of them only being in Wales. From other sources he learned that these houses were on the increase, and that something like 19 had been added to them within the last four years. Now, assuming that in each of those 53 houses there were only ten ladies, they had a mass over 500 persons; and could it be supposed for a moment that every one amongst 500 persons pursuing any course of life would continue to their life's end satisfied with that course of life? He could not think so; and if he left the question either to the common sense or feeling of the House, they would see it was impossible that in such a number as 500—and it was more likely to be 1,000—it was not possible that every one could be perfectly contented to remain in those houses to their life's end. He dare say it was expected that he should show there were discontented persons in those houses, and if he were asked to do so in the way that a fact should be proved by evidence in a court of justice, he would at once confess his inability to do it; but if he showed that such things as escapes did exist, though everything about them was hushed up, he conceived that he should have sufficiently proved his case. He would quote nothing from books, or old records, or musty works, but he would quote a few instances from to-day; and if there was now and then a desire to escape from houses of this kind, it should be allowed to be evidence that there was discontent within. Might he be allowed to say that if he were to sail to an unknown country where he was not allowed to land, but if he saw on the shore men that he ascertained to be physicians, might he not at once assume that the inhabitants of that unknown country were subject to the common lot of humanity—sickness? He thought so; and by a parity of reasoning, if now and then an escape from a convent took place, he had a right to as-assume that there were persons within those places who wanted to come out—in other words, were discontented. Great difficulty, however, was experienced in getting at the truth with regard to these escapes, for people shrunk from expressing what they knew regarding them, seeing that so many contradictions of one kind or another were always put forth. Before he went into this matter, he might mention a case or two of persons who had gone into convents, who had, he might say, been beguiled into convents, and with whom their friends had no kind of intercourse. He had a letter from a gentleman on the case he was about to refer to; and he might observe that generally he was asked not to mention names, because there was an opinion abroad that everything that was said would be contradicted in some form or shape. He had a great deal of evidence offered to him, but when he came to the point, and asked should he use their names, there was a shrinking back. He was about to refer to a letter he had received from a gentleman respecting the daughter of the widow of an opulent tradesman. He told him this story: that this widow lady has a daughter, a very beautiful girl, and at the time referred to, about four years ago, about sixteen years of age—that lady, he admitted, not taking that care of her family that most females do; that a gentleman of the Roman Catholic persuasion had a good deal of the management of the family—he believed he was executor; and at the age of sixteen this girl was sent, unknown to her mother, into a convent, and the mother had never been able to ascertain from that moment until the present (at least up to ten days ago) where that girl is. That child had written a letter to her mother, without date or address, in which she said, "You are no longer my mother—I have a mother in heaven." She had made every endeavour, but cannot find where her child is. That was the letter, and it might be a fiction, and if so he would not feel justified in using it; but the person who wrote it referred him to one of the most exalted persons in the realm. On applying to him he answered his letter, but put "private" on it. He (Mr. Lacy) could not, therefore, mention the name of the writer, but he was ready to show the letter to the Home Secretary, or to any Member of the Government. He (Mr. Lacy) would read what he said. The writer said:—"I can only say I am unable to furnish you with any facts which you can use in support of this Bill. Instances, including that specified by my friend Mr. ——, of the practice of kidnapping I have heard of, and the truth of which I have no reason to doubt; but none of them can I vouch for of my own personal knowledge." Now that came from one of the highest men in this realm. Now he held in his hand a letter from a Dutch baron. [*Cries of* "Name!"] His name he was at liberty to give. It was a letter from Baron Vanuys van Burgst. [*Laughter.*] Hon. Members might laugh, but that baron was one of their heroes at Waterloo. The letter was as follows:—

> "Richmond, March 28.
>
> "Dear Sir—According to my promise I have the pleasure to let you know that it is a fact of public notoriety in Holland that, above five years ago, the daughter of Mr. Heldewier, the Minister of the King of the Netherlands at the Court of Sardinia, a girl not yet of age, and a Protestant like her father, left clandestinely her parent's house at Turin, and went in a convent, where she was detained in spite of her father's will, who even was not allowed by the superior or abbess of the convent to see his daughter. By applying to the King of Sardinia, his Majesty answered him that he had no power over the convents of his kingdom; whereupon the Minister Heldewier returned to Holland without his daughter. I hope to return soon from Holland, and to find you in good health.—Believe me, dear Sir, yours very truly, "VANUYS VON BURGST."

There was a movement now going on in Sardinia on this question; they were enacting laws to curb the power of those nunneries. A project of law had been presented to the Chamber of Deputies on the subject, and he found it stated in a communication from Turin that the proposition was received with cheers from all sides of the House, though the Minister of the Interior declared he would oppose it. He (Mr. Lacy) received the other day, through the intervention of the late Member for Cork (Mr. Fagan), a pamphlet on this subject, purporting to be written by Dr. Ullathorne. That pamphlet was entitled, *A Plea for the Rights and Liberties of Religious Women, with Reference to the Bill proposed by Mr. Lacy.* At first sight, he (Mr. Lacy) thought that pamphlet was in favour of his Bill; but on reading a page or two of it he found the writer took quite a different view of the question. Now, Dr. Ullathorne said—

> "An enclosed convent is divided into two parts, the enclosure and the extern quarters; into these last are received all visitors, and all who serve the house, but are not of the community. Beyond the precincts of the enclosure no person, of either sex, can pass, without a written permission from the bishop or ecclesiastical prelate, and that can only be granted on the ground of a moral necessity, or some great utility. Whoever violates the enclosure by entering within it, unless with adequate reason and with lawful permission, is, by the very fact, and without the intervention of any act of authority, excommunicated by the general law of the Church. The physician of the convent, to attend to the sick, and the clergyman, for no purpose but to administer the sacraments to the sick and dying, receive such permission by a general written order, but they must be accompanied by certain senior religious, who are to keep with them the whole time of their stay, and they must return directly their office is accomplished."

Now, he (Mr. Lacy) thought there were many ladies in those convents who were doing a vast deal of good by visiting the sick and the poor, and administering relief to them; but he was speaking of those enclosed convents, and he did not know which was which by the book of Dr. Ullathorne. That gentleman went on to say—

> "It is most important that those who would legislate for interference with religious houses should bear in mind that the relatives and friends of their inmates have constant access to them; that even in very strict convents their near relations can see the members without the presence of witnesses; and that each religious person receives the visits of her friends and acquaintances at fixed and suitable hours. Nor is there any restraint on this subject greater than is needed to protect a lady from obtrusive or from unnecessary interference with her time, her habits, and her duties. Cases may, of course, arise in a convent, as they arise in the world, where a superioress as well as a parent or guardian may have to protect a lady from the intrusion or interference of some indiscreet person; but such exceptional cases can-

not be alleged against the general rule in the one instance more than the other."

He (Mr. Lacy) supposed "the indiscreet person" meant by Dr. Ullathorne were such individuals as the Dutch minister at Turin, whose case he (Mr. Lacy) had cited, and others who sought in vain to see their children who were incarcerated in convents. Now, he would state to the House the case of a lady whe escaped from a convent at Banbury, on the 10th of December, 1850, shortly after nine o'clock in the morning, as related in the *Banbury Guardian*. He might state that her story was that she had escaped from a school belonging to the convent, which was only separated from the convent by the breadth of a highway. She first went to the Baptist minister's house; she was afterwards taken to the house of the rector of the parish.

> "She went to school at nine o'clock in the morning, but shortly afterwards returned for some copy-books to the convent. There she saw a bonnet and shawl. She then threw off her head-dress, put on this bonnet and shawl, left the convent unperceived, and ran to a place three miles distant. When she reached that place she was like a hunted hare out of breadth. There she inquired for a Protestant minister's house, and having been shown one she went thither and related the story of her escape from the convent. The minister, moved with compassion, kindly received her into his house, and his wife supplied her with a gown, for which she exchanged the convent dress."

Now, Dr. Tandy said, she did not escape from the convent, but that she was sent away as being altogether unfitted for the duties of a Sister of Charity. Dr. Tandy said—

> "On the Friday previous to her leaving, I myself had a long conversation with her on the subject, in the course of which I offered to procure her a situation, or to assist her in any way in my power, when she should have left the convent. I did not then know her character so well as I do now. But she would not accept of my offers to serve her, and for the next three days remained silent on the subject. This determined me to dismiss her at once, and accordingly, on Tuesday, December 10, at a little after 9 o'clock A.M., I myself announced to her that she must leave immediately, offering, however, to pay her expenses to any place she would name, where she had friends. As she still refused all aid from me, I then directed the superioress to conduct her to another room, and take off the habits of the order. This was done, with the exception of the black dress, usually worn by the sisters, which she refused to take off; and then the superioress, having given her a coloured shawl, which belonged to another of the sisters, together with a bonnet and veil, and having offered to pay her journey to her friends, as well as some money for her immediate wants, accompanied her to the door and dismissed her."

Now, he would ask if any human being could believe it was at all probable that that young lady had been dismissed from the convent a few minutes after her opening the school, which had never been denied, at nine in the morning? There seemed to be some doubt as to the young lady's identity, and as to whether her name was Mather or Fitzallen. He (Mr. Lacy) would not dispute the point, for he must confess that neither Dr. Tandy nor the young lady seemed to be very particular in what they said. Dr. Tandy said that she was a poor wandering creature, who applied for admission to St. Paul's convent, and that they took her in from motives of charity. He says—"The name she gave on presenting herself for admission was Mather;" and then he says, "It was upon this story that she obtained entrance into the sisterhood." Why, the girl had come from a convent in France, and was met at Shoreham by the superioress of St. Paul's! And this fact Dr. Tandy speaks of in subsequent letters, just as coolly as though he had never said otherwise. Did any body believe that, if she was offered a sovereign or two when she was going to leave the convent, and if she, as Dr. Tandy represented, got her living by needlework in Nottingham, she would have refused them? Why, she could have just as effectually thrown herself upon the charity of strangers. Why did Dr. Tandy strip and turn her out of the convent? She could have worked as well on the feelings of Protestants, by saying that she had shown Protestant opinions, and that therefore she was turned out of the convent. The truth was that they never offered her a shilling at the convent—she had not a farthing—and, supposing the story was true that she had been dismissed, it was the greatest brutality to turn her out in the way they had done. Would any one believe that she refused to take off the dress of the convent? Surely there was power enough in the convent to strip her of her gown. Her story was that she was so oppressed and subdued in the convent in which she had been placed in France, that she sought to escape from that life by coming over to England. Her subsequent history he had related to the House down to the time of her leaving the convent at Banbury. Now, Dr. Ullathorne said the constitution of a convent was the freest thing in the world. According to that gentleman, it was twice as free as the British constitution. The principles of universal suffrage and vote by ballot were recognised in convents, and therefore it was to be supposed they were very free. Dr. Ullathorne said a great deal about the constitution of religious houses in his pamphlet, but not much against the Bill before the House. He thought it would be very insulting to the Roman Catholic body, and that was the only argument which that gentleman used. He (Mr. Lacy) did not know why Dr. Ullathorne should call this Bill an insult. He (Mr. Lacy) had nothing to say with respect to the propriety or impropriety of conduct of the persons who were identified with the conventual life. He never touched such subjects. But Dr. Ullathorne seemed to have got nervous about the non-intercourse between priests and ladies, and he used a most remarkable expression—viz., that houses of a certain description were not visited, because it was un-English; then why should these ladies who were the happiest people in the world. But he (Mr. Lacy) must revert to the case of Dr. Tandy, who was a director or superior of a convent. Dr. Ullathorne said—

> "It may be thought that the chaplain or spiritual director can exercise a considerable power over the members of the community, but nothing could be more erroneous than this notion. For he has no power whatever in the government of the convent; his office is entirely limited to the Church and the administration of the sacraments."

He (Mr. Lacy) therefore asked how Dr. Tandy could turn her out, or direct the superiors to do so? It was out of the question. He (Mr. Lacy) begged to refer to another case, which he gave on the authority of a schoolmaster and local Methodist preacher—a man who was well esteemed in the community in which he lived. He said—

> "Some ten or twelve years ago, I was returning from Bath to Wimbourn by coach. At one of the stages on the road a woman mounted the coach, and took her place by my side. She appeared to be a countrywoman, young and healthy. After a while I broke silence by asking her if she was going far in that direction? Her reply was 'To Wimbourn.' I then learnt that she was from Ireland, and was on her way to Stape-hill, where she intended to enter the nunnery. I expected, from her appearance, that she was going thither as a servant, but soon found that that was not her object. It was with her altogether a religious step. Her mind had long been anxiously concerned about the subject of religion, and she expressed herself as willing to be anywhere, or in any condition, for her soul's welfare. She said that her spiritual advisers had informed her that the most acceptable duty she could perform would be to enter a convent, and that Stape-hill would, on the whole, be the best. A friend had written to Stape-hill on her behalf, and leave had been granted to her to come there as soon as she pleased. I began to express my doubts as to her realising the good she expected by going to this place; but long before we reached Wimbourn I perceived that all my arguments were in vain. Seldom have I seen such determination of purpose as this woman evinced that day. I aimed to convince her from the word of God; but this was of little use, for she was not only utterly ignorant of the sacred Scriptures, but seemingly averse to hear any thing about them. On inquiry what books she was accustomed to read, I found that her library consisted of two or three Catholic works, one of which was a prayer-book, and I think another was the lives of some of the saints. Before we reached Wimbourn, I inquired how she intended to get to Stape-hill, as the evenings were very dark, and the way somewhat difficult for a stranger without a guide. Her intense desire, however, to be within the walls of the nunnery rendered her unconcerned about the difficulty of the way. I believe I felt more for her than she felt for herself, and I begged her to allow me, on reaching Wimbourn, to take her to my house, where I was sure she would be kindly received, and be accommodated with a night's lodging, and proceed in the morning without any fear. I doubted whether she had not too many scruples to allow her accepting my offer; however, on alighting from the coach, she was probably overcome by the darkness of the night, and the fatigue of travelling, and she consented to follow me. I introduced her to my family by relating the manner in which I had met with this stranger, and the object she had in view. Every attention was shown to this poor deluded visitor, and she soon felt more at home with us than she had expected to be. When our family worship commenced, she betrayed some uneasiness, and during the time we were on our knees, and while supplicating the Holy Spirit to lead this wanderer to the only source of real comfort, she remained in her seat. We thought it proper to remind her of the rigid character of the order she was about to place herself under, that of La Trappe; but she expressed herself as rather pleased than otherwise at hearing this, and as willing to suffer anything for the good she expected in becoming an inmate of the Stape-hill establishment. The next morning we parted with her, not however until we had again supplicated the Throne of Grace in her behalf, and earnestly recommending her, if possible, to read the Holy Scriptures and seek divine guidance by prayer, offered in the name of our Lord Jesus Christ, the one Mediator between God and man. Occasional inquiry was made respecting her of a person who was employed by the principals of the establishment in errands. It was evident, however, that to this individual (himself a zealous Catholic) such inquiries were anything but agreeable, and we were obliged to be satisfied with replies altogether vague. Indeed, we learnt at last that she was not known in the convent by her own proper name, and report says (whether correctly or not, I cannot say) that it is the custom when a person enters the nunnery for a new name at once to be given her, by which imposed name alone she is afterwards known in the house. Our desire, however, to know how this woman was getting on was at last gratified in a way we little

expected. Perhaps it was about three months after she had left our home that we were one morning about breakfast time surprised by seeing her again at our door. Very readily did she accept the invitation promptly given her to walk in and take her seat in the midst of our family; and very readily too did she begin to inform us as to the cause of her unexpected call, and the manner in which she had contrived to accomplish it. Her statement was, that she had that morning made her escape from Stape-hill unknown to any one in the convent; and she assigned as her reason for this that the system was too rigid, she could not bear it any longer. During the time she had been there, though the coldest season of the year, she had not once even seen a fire. Her food had been bread and beer twice a day. She had to rise every morning by two o'clock, to commence the devotions of the day, and again, if I recollect rightly, to attend to these devotions two or three times more before the morning light. Her mind still remained dissatisfied and unhappy as to her religious concerns, and her disappointment altogether had driven her at last to escape from a place in which she suffered much, and enjoyed nothing as a compensation. Her intention was to endeavour to make her way back to Ireland, where her friends, especially a brother she had there, would be most happy again to receive her. She knew not how to accomplish such a design, as she had no money at all. Begging her way, therefore, seemed the only means within her power. It was the latter end of the week when she thus took refuge in our house. We kept her till the following Monday, and then sent her off by the Wimbourn carrier to Salisbury, giving her a letter of introduction to a friend there, at whose house she would be taken in for the night, and be sent on the next morning, by a similar conveyance, to Bristol, whence she would embark for Ireland. We paid her fare to Salisbury, and furnished her with a sovereign, which she said would be sufficient to carry her home; and she was confident that her brother would be most happy, on her reaching home, to remit us the money we had lent her. On this particular she expressed herself in language so strong, and apparently so sincere, that we really could not have a doubt but that in a little time a letter would reach us containing the money, and giving us some particulars of her journey. Nothing of the kind, however, has ever been received, and to this day the fate of this young woman remains a mystery to us. It was reported some time afterwards that she had been overtaken in her journey, and brought back to Stape-hill, but we had no means of ascertaining the truth of this report. We endeavoured, by different methods, to learn if such a person was in the Stape-hill convent, but our inquiries were to no purpose. We soon learnt that a profound secrecy was kept up as to everything done within the walls of that place, a secrecy which cannot but awaken suspicion, and excite the wish that the day may come when, in this free country, this land of enlightened liberty, there shall not be a single establishment existing in which any portion of the human family, possessing the use of reason and obedient to the laws, shall be deprived of that liberty which is the birthright of man, and which ought to be regarded as equally dear with life itself."

[Lord ARUNDEL and SURREY: Name, name!] He (Mr. Lacy) had no objection to give his name: it was Mr. Peter Hawke, who lived at Wimborne, in Dorsetshire. He was a man of excellent character, and respected by all who knew him. Could any one doubt but that the earnest prayers she had heard on her way to Stape-hill had touched her heart, and made her unable to bear the privation she had endured? Now he (Mr. Lacy) wished to approach this subject with the greatest respect and veneration; but he could not believe in all that was set forth in the pamphlet of Dr. Ullathorne. That gentleman said—

> "In thus stating, with some minuteness, the policy of conventual life, my object is to meet the calumnies brought against it, by dispersing a portion of the ignorance that prevails concerning its character. I am aware how difficult it is to put the general reader into my own point of view, and how much more so to enable him to see with my experience; besides, I have but treated of the social organisation of the convent, and not of the spirit which gives life to that organisation. Let me observe, in a word, that the true secret of the convent life, that which solves all the mystery which so much perplexes the non-Catholic world, is the holy Eucharist. This is not the time or occasion for entering into explanations; suffice that I have pointed to the true one. The world is perplexed to know how what is given up by religious persons can be compensated, and so compensated as not to be resumed in some other shape. I have pointed to the solution, though I am aware I only substitute a new mystery. Yet this may be taken as an axiom, that without the Real Presence, convent life, for any length of time, would be almost, if not altogether, impracticable."

Now he (Mr. Lacy) thought he need not say much more. But, he would ask, might not a thousand things occur in a convent to make its life impracticable to a sister, particularly if the poor creature happened to have been a Protestant? Doubts might arise in her mind with respect to the doctrines and ceremonies taught and observed there; and, having those doubts, according to Dr. Ullathorne, it would be impossible for her to continue in the convent; but there, notwithstanding, she was compelled to remain. Now, what was going on in Mexico? He read in a newspaper of the 1st April, that "the question regarding a reform of the laws relating to monastic vows was still under discussion, and was thus described." Now this was greatly on his (Mr. Lacy's) side.

> "In the year 1833, a statute was passed repealing all civil laws which impose any sort of coercion, direct or indirect, for the fulfilment of monastic vows. In consequence, many persons of both sexes, to whom the constraint of monastic life had become irksome, forsook the convents.

The result was a struggle between the Government and the clergy, in which the clergy prevailed. The monks and nuns who had left the convents were assailed with spiritual arms, with ecclesiastical penalties, and were obliged to return. At present the nation has passed out of the tutelage in which it had been so long held by the clergy, and further protection is demanded for those who wish to avail themselves of the law of 1833. A proposal is now before the Mexican legislature for compelling the clergy to respect the sovereignty of the State, and to abstain from persecuting by ecclesiastical censures those who claim the liberty of abandoning their monastic life."

Those things spoke trumpet-tongued, happening, as they did, in a country where all the people were Roman Catholics. There they felt the irksomeness of the power and influence of the clergy, and seemed determined to make a stand in favour of the poor creatures who were confined in nunneries. He (Mr. Lacy) wished, by the Bill before the House, to do a similar service for England; and he would ask hon. Members of the Roman Catholic religion to join him in a friendly spirit to relieve these persons from trammels from which they could not extricate themselves without extraneous aid. It was the duty of the House of Commons to take care that the canon law did not override the civil law of the country. He denied that there was any insult intended or offered by this Bill. He admitted, with respect to a great number of the ladies in convents, that they were kindly and religiously disposed, and they might think this Bill, if passed into a law, might subject them to some trifling inconvenience; but was their little inconvenience to be put in the scale against the sufferings of one person who was confined in a convent and wished to come out? He was sure there was no injustice in his proposal, and he trusted he should have the support of the House. He might for a moment refer to the case of Jane Wilbred. Had he not a right to claim some support from a consideration of that extraordinary and painful affair? Did any human being believe at the time that the young woman first made her statement before the magistrate, that when the trial came on the whole of the facts to which she deposed would be admitted? She was starved, coerced, and ill-used, and yet, afraid of ulterior consequences, she bore it all for a long time without divulging the circumstances of her brutal treatment. He brought this forward to show the great timidity of some females. Just in the same way were many poor nuns afraid to commit to any human being the desire they might have to leave the convents in which they resided; for by means of the confessional, each nun was made to act the part of a spy upon her sisters. They might be incarcerated in what (to them) seemed a living tomb; but, having lost their compensation, according to Dr. Ullathorne, and fearing the worst circumstances, like the poor girl Jane Wilbred, they were content to suffer death almost rather than assert their wish to be free. He did not wish to refer, except for a moment, to the case of Miss Talbot, seeing that it had been so recently before the public; but he would ask, did anybody believe that that young lady could have escaped from the convent in which she was, but for the circumstance of her being a ward in Chancery? And yet we find by what has lately transpired, that she wanted to come out. Having stated the grounds on which he rested the Bill, he hoped the House would allow it to go into Committee, where Amendments might be made. If the Bill should go into Committee, it was his intention to propose that females destined to religious houses abroad should be previously examined, with the view of ascertaining whether they were acting under undue influence. So jealous was the law of England, that it would not allow a married lady to sign a deed until she had been examined by a commissioner, who must be satisfied that she was free from duresse on the part of her husband. Surely no rational objection could be made to the adoption of a similar precaution in the case of a female about to be sent abroad. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HUME said, he rose in the hope of being able to dissuade the Catholic Members from attempting any answer whatever to the speech of the hon. Member (Mr. Lacy). He was sure that the House must have listened with the deepest pain to the address of the hon. Gentleman, filled as it was with details which were not in the least applicable to the pretended purpose of the Bill. So hardly pushed had the hon. Member been that he could not make out his case without pressing Mexico and Holland into his service. Such allusions, however, were wholly beside the purpose, for here we lived under a free constitution, and the forcible detention of any class of Her Majesty's subjects was rendered absolutely impossible by the *habeas corpus.* The introduction of so preposterous a measure was a proof of the evil results which had followed from the practice, which he grieved to say had been sanctioned by Her Majesty's Government, of getting up discussions upon religious topics in that Hous. He hoped that the time that had been already wasted in listening to a speech upon this absurd Bill was the only loss that the House would have to deplore, and that they could now proceed with the business of the country. It would be a serious reflection upon the House of Commons and upon this free country, if such a Bill was ever to become the law of the land. He was sorry, very sorry, that the Government had permitted the introduction of this Bill; and he hoped that they would now express their unqualified disapproval of it, and thus put an end to the discussion at once and for ever.

SIR GEORGE GREY: As my noble Friend (the Earl of Arundel and Surrey) has given notice of an Amendment that this Bill be read a second time this day six months, I did not feel it my duty to interpose between him and the House at this stage of the debate. At the same time, as Members of the Government have been appealed to by the hon. Member for Montrose, I should have no hesitation in saying that this Bill is not one to which I can give my support. I think the hon. Gentleman who moved the second reading of the Bill has failed to show that forcible detention of females in religious houses does exist in this kingdom. I think the Bill is directed to one single object, namely, the visitation of those houses by magistrates for the purpose of ascertaining whether there are any persons forcibly detained there, and who have no opportunity of stating their objections to remain in those houses. I am ready to admit, without meaning any offence to the Roman Catholics of this country, that a dangerous control does exist over persons in those religious houses, not a physical but a moral control, and one which the Bill of the hon. Gentleman does not touch in the slightest degree. The allusion by the hon. Member to the case of the nuns who had left the convents in Mexico was not to his purpose. Those persons who were so removed were compelled by spiritual censures, exercised by the power of mind over mind, to return to those convents. I am not prepared to say that, after the cases recently before the public, it may not be necessary that some steps should be taken with regard to those religious houses—not such steps as are proposed by the hon. Gentleman (Mr. Lacy), which would be vexatious and ineffectual—but to deprive persons, being the superioresses of those religious houses, and having an influence over persons who have been induced to enter them, of any power over the property of persons who, by the influence exercised over their minds, had entered those houses. The hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) recently presented a petition, in which he stated the case of two young ladies who had entered convents, and had died there possessed of very large property, and that the petitioner, who sought to administer to their effects, was told that by the canon law the property of the deceased ladies was vested in the religious community to which they belonged. The case was at present before the Court of Chancery; and if the decision should be against the petitioners, it may be necessary to consider whether an alteration of the law is not desirable; but that may be fairly inquired into by the Select Committee appointed at the instance of the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam) with reference to the law of Mortmain. I think this Bill is open to very serious objections, and will not accomplish the object the hon. Gentleman (Mr. Lacy) has in view; and I think he has failed in showing that the evil is one demanding the remedy which he proposes. Under these circumstances I shall certainly vote in favour of the Amendment of my noble Friend (the Earl of Arundel and Surrey), that the Bill be read a second time this day six months.

MR. NEWDEGATE said, he wished to ask the Secretary for the Home Department whether the House was to understand that a consideration of the law of Mortmain was all the remedy which the Government could afford for the evils sought to be abolished by this Bill, or whether they were prepared to take the subject of this Bill into their own hands, and provide an efficient system of inspection of convents and monasteries? If not, he should vote for the second reading of the Bill before the House. After the case of Miss Talbot, the House would be aware that the public could not think very lightly of their refusal to entertain a question which had been dealt with by the legislatures of Roman Catholic and Protestant countries. He did not know whether the hon. Gentleman (Mr. Lacy) intended to withdraw his Bill, or to divide the House upon it; but if he went to a division, he (Mr. Newdegate) should vote with him. The hon. Member had done good service by introducing this subject to the notice of the House in a manner of which no Roman Catholic had a right to complain; and in justification of the proposal to institute some legislative provision on this subject, without pledging any Member to the details of such measure, which was all that he intended by supporting the present proposal, he would beg to submit to the House what some Continental Governments had done in reference to those religious houses:—

"1. Prussia.—By a rescript or circular of the Minister of Public Instruction and Spiritual Affairs, dated November 10, 1846, no female, whether lay or novice, is to take the veil, without previously being examined by the civil local authorities as to the motive and free will of her doing so.

"2. Bavaria.—A quarterly visit is to be made (Cabinet order, April 6, 1839), by the civil authorities, accompanied by the members of the Consistory, to the convents of their districts, to investigate into the financial affairs of the same, and investigate whether there be any nuns who have in the interval become anxious to return to their friends, family, and the world; in which case an immediate order for their restoration is to be issued.

"Austria.—By an Imperial decree of March 19, 1848, monks and nuns are allowed to address privately the Cabinet, if wishing to renounce their religious vows on reasonable grounds, and which prayer the Consistory is competent to grant after due investigation of the motives of the supplicants. The whole process is to be private, until after the issue of the order for their restoration to the world.

"Russia.—By an ukase of June 17, 1836, no convent is to receive even a novice without the relations or the friends of the same first addressing the Synod at Moscow, accompanied by an affidavit of the postulant that it is her wish and free will to enter on a religious life, and seclude herself from the world. The Synod will then grant or refuse the petition, according to their views on the propriety of the subject."

These passages were taken from the *Ecclesiastical Compendium* for 1850, published at Vienna, and they proved that experience had satisfied Continental countries, both Protestant and Roman Catholic, of the necessity of establishing some control over the admission and retention of females in religious houses. It was a very difficult matter to trace anything connected with these monastic establishments. [*Laughter.*] Hon. Gentlemen of the Roman Catholic persuasion, who were inclined to laugh when these subjects were brought forward, manifested but a light consideration for what he would have thought, to them, was a question of deep importance. In fact, it was attempted to laugh this question out of the House; but that had signally failed. Without wishing to say one word offensive to Roman Catholics, he must be excused for reminding them that there was a strong feeling throughout the country that an alteration of the whole system of ecclesiastical administration among the Roman Catholics had taken place. That feeling had been strengthened by the information which the public had lately received as to the nature of these establishments. The people of this country were determined that some control should be placed over these institutions—that there should be no establishments in this country within the walls of which the right of *habeas corpus* was entirely extinguished. [Messrs. KEOGH and MOORE: No, no!] Let them show him an instance where an inhabitant of these institutions had ever availed herself of that right. Let them show him an instance where a coroner's inquest had been held upon a deceased member of one of these communities. Did any one deny that sudden deaths occurred in convents; and if they did, he defied any Member of that House to show him one instance in which the coroner had been summoned? There was a convent in his own neighbourhood at Atherstone: a report was some years ago prevalent in that neighbourhood, and was universally believed, that an attempted escape had been made from it. Whether the person who had escaped returned or left the convent, they could not say; but this they knew of their own knowledge, that within ten days after that time, fifteen hundred-weight of iron stanchions were placed round the windows of the building, and that now it was as complete a prison as any in the county of Warwick. There was, too, another convent in the same county, and he could prove by the workmen who constructed it, that beneath that structure were places apparently for confinement under ground. How could the inmates from these prisons under ground obtain the ear of those willing to obtain for them the rights of the *habeas corpus?* In Roman Catholic countries, where they knew the nature of these institutions better, having had longer experience of their practical working, they had found it necessary to afford means of inspection; but then it was urged, that inspection would annoy the families of inmates of these places. When it was first proposed, to appoint visitors for lunatic asylums, a great outcry was raised, and they were told that because madness was an hereditary disease, they ought not, for the sake of the families of the lunatics, to appoint inspectors. But the House disregarded those remonstrances—inspectors had been appointed, and their inspection had led to the liberation of many persons who had been unjustly confined; and he was happy to add that he, as a magistrate, had been instrumental in the liberation of some persons so situated. It was his firm belief that many persons were kept by what was called "discipline" in these convents against their will; and that to enforce this discipline, as it was called, great severity was exercised; and he did claim on behalf of Her Majesty's subjects who might be induced to enter into these places that the Legislature would—following the example set by Roman Catholic countries, who had a large experience of these institutions—cast around these persons the protection of the law.

MR. PLUMPTRE said, that these institutions were very much increasing in number in England, and the people looked upon them with suspicion, because they believed that increase was one of the signs of the advancing progress of the Church of Rome. He was greatly surprised that hon. Gentlemen who professed to be such ardent supporters of civil and religious liberty should be disposed to throw any obstacles in the way of this Bill. It was true that it was not very perfect in its nature; but might it not be amended in detail? He did not know how magistrates could appoint inspectors. A commission from the Court of Chancery would be a better mode of dealing with that provision. The country was indebted to the hon. Member (Mr. Lacy) for having brought the question before the House. It ought to receive a full and fair discussion. If they went to a division, he should certainly vote in favour of the Bill. The Government could not exonerate itself from the charge of neglecting the interests of the country, if, upon the rejection of the Bill, they did not pledge themselves to give such attention to the subject as would give satisfaction to the country.

MR. ROBERT PALMER trusted that after what had fallen from the right hon. Baronet (Sir George Grey) the question would not be pressed to a division. The ostensible object of the Bill was to prevent the forcible detention of females in religious houses. There was not a man in that House who would not come forward and say that no case had been made out by the hon. Member (Mr. Lacy) at least for this Bill. He very much questioned if there was any place in the country where they could get three gentlemen to undertake that duty. Of course they should all be Protestants; if they were otherwise the inspection would be useless. It was very difficult to get gentlemen to act as visitors to private lunatic asylums; and was the consequnce that the inspection was very ineffective. It would be far more difficult to get gentlemen to act in the capacity proposed. The manner in which the Bill was to be carried out, also seemed most objectionable. He had asked an hon. Gentleman whose name was upon the back of the Bill, upon what principle it was based; and he told him that the clauses were taken from the Lunatic Asylums Bill. He must say, in his opinion, that the same kind of supervision which was extended to lunatic asylums, was neither right nor proper. The law was quite strong enough at present. He was impressed with the opinion that the Court of Chancery was armed with all the requisite powers of jurisdiction. But if it was not, a short clause would enable that high court to take cognisance of all these matters. He thought the case was one well deserving of the attention of the Government; but he would vote against the second reading of the present Bill, which was quite erroneous, as the inspection should proceed upon a different source.

MR. GRATTAN said, he only wanted to know whether the hon. Member (Mr. Lacy) wished to withdraw his Bill? Mr. MOORE: No, no!] The hon. Member for Mayo wished for war; but he (Mr. Grattan) wished for peace. The hon. Member for Bodmin (Mr. Lacy) had made out no case for his Bill—that was the judgment of the House; and if he withdrew his Bill, he (Mr. Grattan) would abstain from making any observations in reply to him. Did the hon. Member intend to withdraw his Bill. [Mr. LACY: Certainly not.] Well, then, the hon. Gentleman had made grave accusations against a large number of Her Majesty's subjects. He had always thought there was a court of law in which accusations affecting character could be tried. The hon. Member said they wanted information; but had he made a single statement which would warrant the House to grant him what he desired? Indeed, the hon. Gentleman had shown the grossest ignorance upon the whole question. Convents were not the establishments that they had been described. They were founded for the purposes of charity and education; their inmates discharged those duties at times and at seasons when others neglected theirs; and those labours did not deserve to be rewarded by a Bill so infamous as this. They did not require inspection; but if inspection was asked for, he was certain they would not deny it. He had visited convents in Ireland—in Cork—in Paris, in Switzerland, in Germany, and in Italy, and there were individuals in all of them who would laugh to scorn such a Bill as this. The names of Madame Grammont and Madame Barras were enough; and he could tell the House that for intellectual culture the ladies in those establishments were unequalled by any that were to be found in Protestant establishments. Were it not for these maligned establishments, Ireland would have sunk long ago, and he could not but admire and esteem the hon. Member for Berkshire (Mr. Robert Palmer), who asked where was the gentleman who would become an inspector to enter these convents. As it seemed the wish of the House that the discussion should be brought to a speedy termination, he would not longer detain them, although it was with difficulty that he could restrain the flow of his honest indignation.

Lord Ashley thought that he could not be accused of having any particular feelings in favour of religious houses if he ventured to ask his hon. Friend (Mr. Lacy) to withdraw this Bill, for it was plain that the feeling of the House was against him. He was fully of the opinion that a very strong case might be made out for some legislative enactment in this direction, but he thought that the hon. Member had failed to make out that case; and not only that, but he had even failed to make out a case of suspicion. But supposing that the hon. Member had made out a case, he (Lord Ashley) must find fault with the provisions and the machinery of the Bill. The inspection which he proposed was founded on the principle which was adopted with regard to lunatic asylums. Now, he did not hesitate to say that nothing could be more imperfect than the method in which the duty of that inspection was performed. The inspection of the private asylums in England was done most unwillingly and most imperfectly. Gentlemen did not like to undertake the duty of inspecting private asylums. If this Bill passed with such alterations as would be necessary, he very much doubted whether the hon. Member would recognise his own Bill. However, after all that had passed, he thought that Her Majesty's Government ought to be impressed with the conviction that it was their duty—indeed, they ought to be fully determined, after the recent disclosures, that some legislative measure should be adopted. It would be much better to leave the proposal and conduct of such a measure in the hands of a responsible body like the Government. For his part he would be perfectly willing to leave such a measure in the hands of Her Majesty's Government. Something of the kind was quite necessary. A power ought to be given to the Court of Chancery to take cognisance of the property of those who died in convents. What was the decree of the Council of Trent?—

> "No religious, whether man or woman, shall possess in their own, or even in the name of the convent, any property, moveable or otherwise, but the same shall be delivered up to the superior, and incorporated with the convent."

The temptation, then, being so strong, and the powers posessed by these bodies so great, a power also which was inconsistent with the laws of England, it was necessary that these matters should be put under some superintendence, although not by any means of the character proposed by this Bill. In conclusion, he would say that, although they would not adopt the Bill of the hon. Member for Bodmin, still the House was grateful to him for the trouble he had taken. He had brought the subject before the country—it was a matter deserving consideration—and his efforts perhaps might not be wholly without result.

The **Earl of ARUNDEL and SURREY** would have been fully prepared to have gone into a consideration of the whole question; but as the case of the hon. Member (Mr. Lacy) had so entirely broken down, and the House appeared to reject the Bill so unanimously, at least to decide that no case had been made out to justify it, and as the discussion had gone off upon another point, he did not think it wise to occupy the attention of the House by discussing a question not before them. When, however, it did come before the House, he would not shrink from fully and fairly entering into it; but as all discussion had been so much deprecated, he would content himself with moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the

Question to add the words "upon this day six months."

Sir JOHN PAKINGTON would be sorry to hurt, by any observations of his, the religious feelings of Gentlemen on either side of the House. He confessed, however, that he thought hon. Gentlemen opposite who were so strongly opposed to this measure, were making a mistake, and were greatly underrating the feeling which existed upon this subject in the country. His principal object in rising was to express his regret that he could not concur in the recommendation which his noble Friend (Lord Ashley) had given the hon. Member for Bodmin. He hoped that hon. Gentleman would not withdraw the Bill unless he rceeived from the Government some more satisfactory assurance than they had as yet received as to what their course would be. The statements of the right hon. Baronet the Secretary for the Home Department were extremely unsatisfactory. He stated great objections to the measure. He (Sir John Pakington) was willing to agree in the propriety of those objections; but he wanted to know, as the present state of the law had been represented to be most unsatisfactory, whether the Government were prepared to remedy the evil which it was admited upon all hands existed. If the Government held out any hope that they would deal with the question, he would leave it in their hands; but in the absence of such a pledge, he was sorry to say that he could not give such advice to his hon. Friend below him (Mr. Lacy) as had been so freely bestowed, although he entirely admitted that some of the objections to his Bill were very great. In the absence of a promise from the Government of the nature to which he alluded, he felt it his duty to vote for the second reading of the Bill.

Sir GEORGE GREY, in explanation, begged to observe that he had not given any promise or pledge to the House that Her Majesty's Government would deal with this subject. He had only said that the hon. Gentleman (Mr. Lacy) had failed to establish the case which he was bound to establish, that cases did not exist of forcible physical detention. Beyond that he thought the mode by which it was intended to remedy this evil, if it existed, was extremely vicious. In short, by stating these views, he had further added that it might be necessary to frame some provision which would put a check upon inducing young persons to enter into religious houses. In doing so, he alluded to a petition lately presented to the House, in which it was alleged that a large property became vested in the convent in which two ladies, the owners of the property, had resided. He stated that that case was before the Court of Chancery, and that if the law was as it had been stated by the convent to be, then it was a case which demanded the attention of the Legislature; and he further said that there was a Committee sitting before which the question might very fairly be brought.

Mr. KEOGH did not intend to trouble the House with many observations. The right hon. Baronet (Sir George Grey)—and he begged the attention of the Irish Members to the fact—had stated that it was his intention, or that he was prepared to introduce a measure, very much after the fashion of the hon. Member for East Kent (Mr. Plumptre). He said that this Bill would not deal with the moral influence which the right hon. Baronet believed to exist in these establishments; and it was against that influence—one, be it recollected, of a spiritual nature—he intended to legislate. [*Cries of* "No, no!"] The right hon. Baronet said distinctly, that there was a dangerous influence exerted in these establishments, and the measure which he would introduce— [*Cries of* "No, no!"] Well, which it is possible he will introduce. [Sir George Grey: On the contrary, I said I would not pledge Government to legislate at all.] Had they, then, an undertaking from Her Majesty's Government, that no such measure will be introduced? The Government stated that some legislation would be desirable, and they did not give a negative to the question whether they intended to legislate. The right hon. Gentleman said, that the Committee which was sitting on Mortmain might take the subject into consideration. Surely that was an intimation of an intention to legislate. The hon. Member for North Warwickshire (Mr. Newdegate) said, that the writ of *habeas corpus* was ineffective in these convents; and he proved the fact by stating that there was not a single instance where an application had been made for one from an inmate in these convents. That was certainly the best *non sequitur* that ever came under his notice.

Mr. NEWDEGATE: I said that there was no security for the writ being operative in convents.

Mr. KEOGH: As to the pretence for the coroner's inquests on the ground that there must have been sudden deaths, he might as well have said that there must have been suicides in these establishments. The present discussion was a strong example of the blame attributable to the noble Lord (Lord John Russell) for his Ecclesiastical Titles Bill; it was that measure which had given a basis for Gentlemen upon the other side of the House to make such propositions as these. As long as he had been in that House, he observed it had been the custom of Roman Catholic Gentlemen to avoid mixing themselves up with the religious questions which agitated the members of the Established Church; but the same delicacy did not seem to actuate Protestant Gentlemen, for there they were rising up and stating their opinions upon matters of Roman Catholic ecclesiastical and spiritual arrangement. As to referring the question to the Committee of the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), as had been proposed by the right. hon. Baronet the Home Secretary, the House should recollect that although there were seventeen members upon it, there was only one Roman Catholic Member, the hon. and learned Member for Youghal (Mr. Anstey). [Sir G. Grey: Yes, there is the Earl of Arundel and Surrey.] Well, then, he had been misinformed. His hon. and learned Friend the Member for Cork (Mr. Serjeant Murphy), however, suggested that the Member for Youghal did not count. At all events, he could scarcely think the Committee had been fairly constituted. He should vote against the Bill, or against the hon. Member being allowed to withdraw it.

Mr. SPOONER said, when the right hon. Baronet made the admission that a most dangerous moral control was exercised over the Roman Catholics in these houses, he had looked for a declaration that the whole of the subject would be taken into full consideration by Government, and that they would be prepared to state their views as to the measure they were about to introduce. Did not the right hon. Gentleman know, when he spoke of the hon. Member for Bodmin not making out a case for his Bill, that this dangerous moral control was the reason why no case could be made out, because it prevented persons getting at the facts, or holding communication with those who were under its influence? He admitted the defects of the Bill, and that county magistrates were not the persons to be employed, but that the supervision to be exercised should be under the control of the Secretary of State. He asked all hon. Members who heard him who were not under the bias of strong political or religious feelings, whether they had any reasonable doubt that there were many cases in which females were incarcerated in convents against their will? He thought that no rational man, no honest man who spoke his mind, would hesitate to say he was convinced that there were many such cases. [Here the hon. Member read the declaration of the Council of Trent, that all convents must be kept carefully closed, and all egress prevented under any pretence whatever, except by episcopal licence.] The hon. and learned Member for Athlone had asked what right Protestant Members had to meddle with the ecclesiastical discipline of the Roman Catholic Church? He begged to tell the hon. and learned Member that what they were meddling with was the liberty of British subjects, which they wished to protect. They said that numbers of females were confined in convents against their will; that, at least, they had good ground for suspecting that the fact must be so; and they asked the Government to institute an inquiry to see whether such was the fact or not. He maintained that it was the duty of the Government, and especially the duty of the right hon. Gentleman the Secretary of State for the Home Department, to institute such an inquiry. The hon. and learned Member for Athlone seemed to lay much stress upon the fact that no application had been made for a writ of *habeas corpus* by the inmates of the convent. But how could they, seeing that all communication with the world was cut off? A Roman Catholic gentleman, who had held an official situation at the Papal Court, and whose duty had been to accompany the Cardinal Vicar in visiting some of the nunneries, told the Rev. Hobart Seymour that when novices became nuns at the early age of eighteen or twenty, they were sufficiently happy for two or three years; but that when they became old enough to understand the nature of the step they had taken, they soon gave way to misery and despair. This was the opinion of a Roman Catholic gentleman who had had peculiar opportunities of forming an accurate opinion on the matter; and yet, because no single case could be proved in detail, the House was asked to believe that no such cases at all existed. Then again, with respect to coroners' inquests. It was not usual for a coroner to hold an inquest, unless where a rumour had got abroad that there was a necessity for one; and how was a rumour to come from the underground cells of the convents? [*Ironical cheers.*] Yes, he repeated, "underground cells;" and he would tell hon. Members something about such places. At this moment, in the parish of Egbaston, within the borough of Birmingham, there was a large convent of some kind or other being erected, and the whole of the underground was fitted up with cells; and what were those cells for? He begged the hon. Member for Bodmin not to be led away by the advice of the noble Lord the Member for Bath (Lord Ashley), who had asked him to withdraw his Bill. The House might refuse to inquire or to enter into the subject; some might be influenced by one motive, some by another; but they might be assured that the country was determined that it should be entirely examined. Sooner or later that would be the case. And he could tell the noble Lord opposite, that when he first addressed the public in that immortal letter, which he followed up by a declaration that the confidence which he had placed in Roman Catholics had been abused, or that it had not been correctly placed, he conciliated many who had been in the habit of opposing his Government, and that he stirred up in the minds of the Protestants of this country a great desire to put their trust in him. But when he looked at the measure which had been actually brought in, and still more at the alterations which were proposed to be made in it, he must say that the people were as much disappointed and disgusted as they had before been elated on the subject; and he thought it right and proper to tell the noble Lord that the country would insist upon a much stronger measure than that which was at present before them. He could tell them that the Protestant feeling of the country would again be roused in a manner which they could not at present contemplate, if to the doubts that already existed, they added further doubt by their conduct on the present occasion. Then they were told that vows of celibacy—vows of exclusion from the world—were all for the purposes of education, and for promoting the cause of religion. He would ask the House, what said the right hon. Baronet, the author and champion of Catholic Emancipation upon this subject. He said—

> "They heard much as to the exertions of persons who were bound by religious vows in the cause of education, but it appeared to him by no means necessary that to promote the cause of education they should be bound by monastic vows, by vows of celibacy and exclusion. Such vows could have nothing to do either with the promotion of education, or with the exercise of the Roman Catholic religion. The constitution and the law of this country were opposed to such persons being bound by religious vows."

That was the opinion of the right hon. Gentleman. No one should be bound (continued Mr. Spooner) either as to his religious or his civil conduct, by an oath which was not recognised by the constitution and the law of this country. He admitted that there were many imperfections in the measure; but its principle was right, and he hoped it would be persevered with. He cordially admitted that in many conventual establishments much good had been done. He believed that many of these institutions were inhabited by persons who had no other object than that of glorifying their Creator in the way in which they thought right. He venerated such persons, although he could not help lamenting that they should be shut out from following a more active line of usefulness, for which they were so fitted. But he would say that there were many of those institutions whose objects he considered were totally incompatible with the safety of the country. As a proof of the desperate attempts which were frequently made to obtain possession of property for the benefit of convents, the hon. Member then proceeded to mention the case of an Irish gentleman who reluctantly consented to allow his two daughters to enter a convent, but who had told them that, while he would pay as much money as would admit them, they must expect no more money at his hands. It so happened, however, that he died without leaving a will, and his administrators, the brothers of the ladies, were immediately called upon to pay over to the convent their sisters' share of the property. The ladies remonstrated. They admitted that they had signed papers in their father's lifetime voluntarily surrendering all further claims upon his estate; but notwithstanding this, they were induced, or perhaps he ought to say compelled, while in the convent, to assign over all their right and title to their deceased father's property, for the benefit of the convent. The case went before the Lord Chancellor of Ireland, who decided that the convent was not entitled to the property in question, as the deed of assignment by which the interest of the ladies was conveyed over to it must have been obtained by compulsion. This decision, it was true, was afterwards set aside by the House of Lords, but only upon a technical difficulty. The hon. Member concluded by calling upon the Government to take the matter into their own hands. If they would only pledge themselves that the whole subject should be brought under consideration—the question of confinement in convents, as well as the question of mortmain—if they would say that they would appoint a Commission or a Committee to investigate the subject, he was sure his hon. Friend the Member for Bodmin would only be too glad to withdraw his Bill. But, unless they did that, he was sure that neither that (the Opposition) side of the House nor the country would be satisfied.

The SOLICITOR GENERAL thought that the House had wandered widely from the subject of the Bill in the course of their discussion, and the hon. Member who had just sat down had led them into a longer digression than before, with reference to the exclusive disposition of property obtained by persons who had entered a convent. It was with respect to that subject his right hon. Friend the Home Secretary had addressed some casual observations to the House; and he (the Solicitor General) must say the right hon. Baronet's views had been strangely misinterpreted both by the hon. Member who had just sat down (Mr. Spooner), and by the hon. and learned Member for Athlone (Mr. Keogh). What he (the Solicitor General) understood his right hon. Friend to say was, that this Bill purported to prevent forcible physical detention of persons in convents; while the only instances which the hon. Member for Bodmin (Mr. Lacy) had given, related to persons who were detained by means of spiritual influence; and that the Bill which went to prevent forcible detention would have no influence over persons who were detained, not by physical but by spiritual compulsion—by the force of moral exertion. His right hon. Friend (the Home Secretary) said, therefore, that the Bill would not attain the object which its author had in view, but that there were cases of property occasionally occurring which it might be desirable to inquire into, in order to guard against any improper interference with that property. The hon. Member who had just sat down twisted this admission into a declaration that because the right hon. Baronet the Home Secretary thought it desirable that the law of mortmain should interfere to prevent the undue exercise of spiritual influence, therefore the Government were bound to support a measure which professed to deal with physical constraint; and, on the other hand, the hon. and learned Member for Athlone (Mr. Keogh) said, now the right hon. Baronet admitted he was willing to bring in a Bill which would affect the spiritual influence of the priests, which, according to the hon. and learned Member, was a step farther than the Government had yet taken. Such were the misrepresentations to which the statements of his right hon. Friend had been exposed. To come now to the Bill that was immediately before them. The title of the Bill bore that it was to prevent the forcible detention of females in religious houses. On seeing this Bill the first thing that struck him was, that they were bringing a grave and serious indictment against a large body of their fellow-subjects, without, so far as he knew, any case having been proved against them, or any evidence that tended to establish an indictment of this description. He had expected to hear from the hon. Member for Bodmin (Mr. Lacy) such a case made out as would justify him in bringing in this Bill; because to bring in a Bill to remedy a grievance which did not exist, was not the usual mode of legislative proceedings. They always proceeded practically, and not before a grievance was made out; and here was the distinction between the Ecclesiastical Titles Bill and the Bill now before them. In the case of the Ecclesiastical Titles Bill, they had to deal with an existing grievance: it was the bull of the Pope which was the occasion of the interference of the Legislature. Unless the hon. Member was prepared to prove the need there was for this Bill, how could he expect them to pass a measure which branded with infamy and crime the whole of their Roman Catholic fellow-subjects? For the House must remember it was a great crime forcibly to detain any person; not only would the parties be liable to an action for false imprisonment, but they would be subject to an indictment for conspiracy, and all concerned would subject themselves to heavy penalties. But if these things were not proved, why should they bring in a Bill to prevent a crime which had not been committed by any one, so far as they were aware of? The hon. Member for North Warwickshire (Mr. Spooner) said all they asked for was inquiry. But this was not inquiry—it was a proposal to pass a Bill without inquiry. Then, he asked, in what an extraordinary position this Bill stood? There was not one hon. Gentleman who did not say that he disapproved of its provisions. If, then, they disapproved of the provisions, all they had to approve of was the principle. And what did they hear of the principle on which the Bill was framed? It appeared that the clauses were copied from the Lunatic Asylums Act. Now, he begged them to remember that when they framed that measure, there was before the House the evidence of a Committee which had investigated a great many cases, and by a painful inquiry had ascertained that there were gross and flagrant abuses in the private asylums throughout the country. But, with regard to the present Bill, the hon. Member only brought forward two cases: one young woman said she ran away from a convent, and there was some doubt as to the fact, but at all events that proved she was able to run away; and the other was the case of a person in Dorsetshire, who, after a conversation with a Methodist minister, entered a convent, and who afterwards left it; and though the word "eloped" was used in connexion with this case, yet there was not a single statement made to show that any objection was made to her leaving, or any impediment thrown in her way. Well, then, how did the case stand? The House had heard one hon. Member, the Member for Berkshire (Mr. Robert Palmer), declare that if this Bill were passed, no English gentleman would act under it; while, on the other hand, the noble Lord the Member for Bath (Lord Ashley), whom no one would suspect of indifference to the Protestant interests, recommended that the Bill should be withdrawn. The hon. Member for North Warwickshire (Mr. Newdegate) had, however, referred to the case of foreign countries; but it was to be remembered that in those countries they had not the privilege of *habeas corpus*, while in this country every Judge of the supreme courts could exercise the power of directing a writ of *habeas corpus* to issue, not only at the instance of parents or friends, but at the instance of any individual whatever; so that if the hon. Member could satisfy any Judge that there was an individual in duresse in any of these convents, he would get a writ as a matter of course. Anxious as the people might be—and very properly so—to see that property should be protected against all undue influence, he was sure they were too just and too candid to subject any portion of their fellow-countrymen to provisions copied from an Act which was passed in consequence of evidence having been given of most atrocious misdemeanour.

MR. FRESHFIELD said, the hon. and learned Member (the Solicitor General) had said, there was no evidence to support this Bill; but he begged to remind him that there were no means of deciding whether an individual was detained in a convent by physical control or by moral influence; for there were no means by which they did or could communicate the precise situation in which they were placed. The argument of the hon. and learned Solicitor General, that parties detaining an individual in a convent against her will would be subject to an action for false imprisonment as well as to an indictment for a conspiracy, applied with equal force to confinement in a lunatic asylum; and yet the Legislature had thought proper to appoint a magisterial visitation in the one case, so that there was no reason why they should not equally do it in the other. As a practical measure, he thought it would be most expedient that visitors should be appointed to see the residents in religious houses, and ask them quietly and mildly whether—all vows and all constraint upon their freedom apart—they were willingly there, and desired there to remain, assuring them at the same time that, if they wished to leave, the laws of the country would protect them. It was said there was no evidence adduced. He said, there was evidence sufficient to induce any grand jury to find a bill. There was the outward appearance of the houses of detention—the careful, watchful management, which produced a general belief on the subject. If there was nothing to conceal, why was there all this secrecy—why did they not court inquiry and investigation? If the Bill passed a second reading, it might be referred to a Select Committee, with power to send for persons, papers, and records, by means of which the question would finally be set at rest, instead of leaving it as it was at present; for he could assure them that if the Bill was not passed in the present Parliament, the want of such a Bill would not exist beyond the first Session of the next Parliament.

MR. SERJEANT MURPHY could assure the House that nothing was more disagreeable to his feelings than to take part in a discussion that savoured of theological controversy, especially in the House of Commons; and he had, therefore, observed with great satisfaction that hon. Members of the Roman Catholic persuasion had exhibited a remarkable and commendable forbearance on the present occasion. They had listened to the statements of the hon. Member (Mr. Lacy), who proposed the Bill, with calmness and patience; and if they had occasionally been moved to laughter, he begged to assure the hon. Member and the House, that it was not from any disregard to the magnitude and importance of the question, or its close connexion with the interests of religion, but it was because a question of such magnitude, having for its object to insult and degrade religious females of the Roman Catholic persuasion, containing provisions which an hon. and Protestant Member declared the feelings of an English gentleman would not allow him to put in execution—it was, that such a question, so introduced, should have led to so lame and impotent a conclusion. He asked, was it ever known, in the practice of the House of Commons, that a Bill having for its object to interfere with the liberty and well-being of any class of Her Majesty's subjects, should be introduced without previous inquiry? By the law as it now stood, they dared not, without a warrant obtained on oath before a magistrate, enter any house in this country to question the vilest person that might be resident in it; and was it to be said that ladies, who had given themselves up to the service of religion—who had had time to consider the obligations which they imposed upon themselves — who had had two years of novitiate to examine whether they could frame and attune their minds to that seclusion which was required of them —that, after all this, such persons were to be subjected to a visitation which would be degrading to any person to allow, unless there was an allegation of crime? He would say to the hon. Member for Bodmin (Mr. Lacy), and the hon. Member for North Warwickshire (Mr. Spooner), whose names were on the back of this Bill, that it would have become them to have made some previous inquiry and investigation, in order to justify the title of this Bill, which proclaimed through the length and breadth of the kingdom that it was to prevent the forcible detention of females, though they had not brought forward a single instance of such forcible detention. The hon. Gentleman (Mr. Lacy) had appealed to a kind of evidence that would not be admitted in a court of justice—certainly not in the House of Commons. He had appealed to hearsay evidence. Why, what was the case which they had exhibited before them in the newspapers of that morning, relative to what had taken place in the Court of Queen's Bench? For three weeks the newspapers had been full of a malignant calumny upon a convent which was close to London. It was stated that a doctor had been secretly introduced into the convent—that an accouchement had taken place—that the child had been smuggled away—place, name, everything was stated; and then, when the case became too gross to be passed over, and these females were dragged from their seclusion into the Court of Queen's Bench to deny the charge, what was the sneaking answer of the parties who had first circulated the accusation? They were misled, forsooth, by the statements of parties whom they believed to be credible witnesses; they cried *peccavi*, made a most humble apology, and begged of the very persons whom they had injured to allow them to escape from punishment, by paying the whole bill of costs. Now, this rumour took place within seven miles of London—in the very centre of the intelligence that was poured upon this country by means of the press; and if, under such circumstances, that story could be circulated in the newspapers for three weeks—and it was only by those ladies coming forward and submitting to the test of inquiry that it was proved to be false, scandalous, and abominable—he would ask, how could they believe public rumour and hearsay? The other hon. Member for North Warwickshire (Mr. Newdegate) appealed to foreign countries; but he could tell him that the Roman Catholics were content with the system of life they practised, and those of them who chose a life of seclusion were content with that seclusion. Did the hon. Member for North Warwickshire know anything of the state of the convents, or of the access that parties had to them? Did he believe that they were living in a state of society such as was described in the novels of Mrs. Radcliffe, where a young lady could be carried off at midnight to a secluded tower in the Apennines, where access was only allowed to some grim old monk, whom probably the hon. Member might wish on such occasions to represent? Every one knew that in this country it was not so. Days and hours were appointed when all the friends and relations of the inmates had the most perfect access to them. What said the Roman Catholic Bishop Ullathorne on that point?—

> "It is most important that those who would legislate for interference with religious houses, should bear in mind that the relatives and friends of their inmates have constant access to them. That even in very strict convents their near relatives can see the members without the presence of witnesses; and that each religious person receives the visits of her friends and acquaintances at fixed and suitable hours. Nor is there any restraint on this subject greater than is needed to protect a lady from obtrusion, or from unnecessary interference with her time, her habits, and her duties."

[Mr. Lacy: Read another line.]

> "Cases may, of course, arise in a convent, as they arise in the world, where a superioress, as well as a parent or guardian, may have to protect a lady from the intrusion or interference of some indiscreet person."

Well, he had read the passage, and he agreed with the passage. He believed that the Methodist gentleman who travelled on a coach with a lady at night might proceed from religious matters to talk on matters more delicate, and to take advantage of his position; and there the presence of a third party might be advisable. In private families it was so; and in convents the superioress ought to be invested with an equal amount of control. What said the Roman Catholic Bishop of Cork upon the same subject? He had written to that right rev. Prelate for information, and he would, with the permission of the House, read a portion of his letter:—

> "If the proposed measure be not the result of unmitigable hostility, it betrays the completest ignorance of our social and religious condition. There is scarcely a Catholic family of respectability in this country that has not one or more of its members devoted to God in a religious life; and it is perfectly well known that these are not inferior in any of the virtues that adorn their sex to the sisters and the kindred who select the less arduous life which the world affords. And so true it is that piety perfects their natural amiability, that I have never heard of an instance of any lady relinquishing the happiness of her domestic circle for the devotion of the cloister, without leaving in the hearts of her family the liveliest regrets at losing the society of one who was, perhaps, the most cherished of their circle. The parents' consent is generally to be obtained only by the continued perseverance of a beloved child whose happiness cannot be secured but by acquiescence in her pious wishes. To talk of coercion under such circumstances indicates such an ignorance of our actual social life, as to stamp an attempt at legislating on this subject with a character a great deal worse than madness."

He could state and vouch, from his own knowledge, from his intimacy with Roman Catholic families, that he had seen, in families where the most elegant refinements of life were enjoyed—he had seen young women pine away, because their wishes to enter a convent were interfered with—their health was broken, and their spirits drooped, because they were brought into contact with a world which prevented them from engaging in those duties which they felt were necessary to their internal peace; and he had seen the same young persons, after their parents' consent had been reluctantly yielded, recover their health and elasticity of spirits in the convent. Now one would suppose, from the statements of some hon. Members, that the employment of nuns was of an exceedingly onerous character—that they were shut out from all the elegant refinements of society—and that their lives were one entire round of prayer and privation. No doubt prayer constituted a very sublime and elevating part of their duty. But he must remind the House that there was one class of nuns that devoted themselves to the education of the females of the higher classes; and another class who devoted themselves to the education of the females of the lower classes; and this he would say, that the consequences which flowed from that education in the social condition of the females of Ireland, they were proud to exhibit in the face of the world. There was a third class of nuns whom not even malignity would seek to blame—the Sisters of Charity and Mercy—women who went into the haunts of loathsomeness, of filth, and of disease—who made no difference on account of religious creed—who ministered to the wants of the sick as no hospital nurse could minister—and who never resorted to proselytism in their exertions, as, it had been wittily said by a Member of the House, was the practice of some parties who offered relief to the Roman Catholic poor in the shape of legs of mutton on Fridays. He could say, from the bottom of his heart, that while Protestant gentlemen denounced these establishments, he—in the spirit of charity—could wish that there were similar establishments in the bosom of their Church, where persons whose feelings had been blighted might retire and find repose from the world. But they were told this was an enslavement of the mind—that it was caused by an overwhelming moral influence and control. There was a homely proverb, that "the proof of the pudding was the eating;" and there was a true proverb, that "the tree was known by its fruits." If there was such an enslavement of the mind, how did it happen that Roman Catholic ladies who had been trained in the world, and who had afterwards mixed in active life, were among the first to send their children to the same establishments? He held in his hand a letter which lately appeared in the newspapers, and which bore the honoured and historic name of Teresa Arundell of Wardour. The writer spoke feelingly of this legislation. She said—

> "To Catholic ladies who, like myself, have sisters and relatives in convents, it is indeed humiliating and most painful, that in England, hitherto considered the land of liberty, we should be forced to exert our influence to save those loved ones from the grossest insults, the most unmanly attempts now being made to deprive them of a security which even the meanest women slaves have insured to them."

That lady also added—

> "The tenderness I feel for my children is, I hope, quite as strong as the warmest-hearted mother can know, yet the sacrifice of parting with a daughter for a time I cheerfully make, rather than deprive her of that which I know will cause her to bless the parents who deny themselves a present pleasure to insure her the lasting advantage of a convent education."

What will the effect of your legislation be? In the language of an Address sent to Her Majesty by the ladies of a convent in this country, who were invited over from France by George III. in revolutionary times, "they will never be advised by their relatives to submit to that visitation"—hence it will be that what we consider one of the greatest boons to families, the facility of education, will be removed from the rich. He did not wish to detain the House further on this subject; but he felt it his duty as representing a Roman Catholic community, though this Bill was confined to England and Wales, to tell the House the impression which it would make upon the country at large if it was passed. It was a piece of wanton and unreflecting legislation, and it was a pity that we were placed in this condition by religious feuds—that there was not a young Member, whether young in point of age or of standing in the House, who did not try his "'prentice hand" at legislation on the unfortunate Roman Catholic.

Mr. GRANTLEY BERKELEY said, that he could not say that this Bill contained nothing, although the hon. Member who brought it forward said tantamount to nothing in its support, for he believed that it created no fewer than six new felonies. If this measure passed, the next thing that Protestant dissenters might expect would be that there would be a spy sent into every one of their schools. If this measure passed, he should look upon it that the first infringement on religious liberty had taken place, and that there would no longer be liberty of conscience. No case had been made out in support of the Bill, no facts had been stated which could be brought forward, nor had anything been proved for the consideration of the House, except that it was proposed to insult the whole of our Roman Catholic brethren. If he thought that there was any need of legislation, or any chance of Her Majesty's subjects being forced or constrained in any way, he should be the first for legislation; but in this instance the interference of the House was not only undeserved, but was totally uncalled for.

Colonel THOMPSON said, after the allusion made by the hon. and learned Member for Cork to what had happened to a Methodist on the top of a coach, he hoped nobody would be thin-skinned if reference was heard to what befell a priest in the seclusion of his chamber. He put this forward as an argument for reciprocal moderation. Hoping that it would have this effect, he appealed to every reasonable Protestant, and to every reasonable Catholic also, whether the most advisable course in regard to this question would not be to inquire what precautions and restrictions had been found necessary in Continental and particularly in Catholic countries, and then decide with gravity and impartiality on what it was proper to do in respect to conventual life in this country. The positions and the dangers were so similar, that it was no bad provisional assumption, that what was found necessary in one case, should at least be looked sharply after in the other. He was not bound to maintain that all the details of the Bill were the best possible; but he had come to the conclusion that he should best promote the object he had in view, by voting for the second reading. He was not afraid of misrepresentation on this head. No one could, and no one should, ever charge him with a wish to persecute his Roman Catholic fellow countrymen. When the great struggle took place for their rights, it was well known that, small as it might be, he had done his part.

Mr. C. ANSTEY said, that all that

was new in the Bill was the details, the principle of the Bill did not require Parliamentary sanction, for at the present moment the parties (if such there were) who were detained in any of these convents were entitled by law to their liberation, and Parliament had at various times interposed to provide the necessary machinery to enable the law to be carried into effect. What was objected to was not the principle but the details of the Bill; and, to establish that principle, it was not necessary to carry the second reading; the House were asked by that step to go further and affirm its details. Of the only two Members who had expressed anything like approbation of the Bill, the hon. Member for Boston (Mr. Freshfield) approved of it because he thought that religious women were mad; and the hon. Baronet the Member for Droitwich (Sir John Pakington), without approving exactly of the Bill, did not condemn it altogether, inasmuch as it armed the magisterial body, of which he was supposed to be the personification in the House, with greater power than they at present possessed. This concession to his prejudice reconciled him to the injustice that he did not deny the working of the Bill was calculated to lead to. The hon. Member for North Warwickshire (Mr. Spooner), whose name was on the back of the Bill, had not ventured to approve of the details; and no Member who had spoken on his side of the House had gone beyond him in disapprobation of some portions of his own Bill. The hon Member had taken a course, therefore, which it was impossible to understand, if it was not that the hon. Member was possessed of a mania for legislating about women. This measure was only a measure suited for the meridian of a parliament of old women, and was quite unworthy of the British Legislature. He wished to correct an error in a matter of fact stated by the hon. Member (Mr. Spooner). He referred to the case of Fulham *v.* Macarthy, and stated that when the late Mr. Macarthy placed his daughters in the convent, with permission to become nuns, he informed them that neither the convent nor the daughters were to look for any further share of his property than the sum he paid by way of dotation when they professed. He (Mr. C. Anstey) was counsel for the community before the House of Lords, and it was then proved that nothing was said by Mr. Macarthy, but that there was every reason to infer that it was his intention to make a will in favour of the convent had he lived to make a will at all. The hon. Member was also wrong in supposing that the decision of the Court of Chancery had been reversed in a technical point. On the contrary, the House of Lords expressed a strong opinion as to the validity of religious vows, and of the duty of courts of justice to respect those vows.

Mr. SIDNEY HERBERT said, that he not at all astonished, nor did he regret that this question should have been brought forward for debate; but at the same time he quite agreed in the remark made by the hon. and learned Solicitor General that it would be a most dangerous precedent if on any subject the House were to pass measures not only without a case being made out, but without anything, in fact, being stated beyond the probability of a necessity. It might be perfectly true that if there are, as had been stated, 500 ladies of this country living in seclusion in conventual houses, many of them might possibly have repented the perpetual vow they had taken, and might wish to free themselves from its operation. But something more than probability was required as the foundation for legislation. Objection was constantly and justly taken in that House to fishing inquiries. But fishing legislation—a Bill not meant to meet an existing evil, but an evil which it was thought might ultimately turn out to exist—would be a precedent so dangerous that he hoped the House would resist it. He should therefore vote against the Bill; but at the same time he held that the State had the fullest right to interfere with and control the management of these religious houses. He must say frankly, that in his opinion monastic institutions, with perpetual vows, were not only unnecessary, but were hostile to the spirit of our institutions. At the time these institutions were originally created, whether they were founded in order to escape from persecution, or to promote the spread of Christianity amongst hostile populations, there might have been reasons for their establishment which no longer existed; nay, there were stronger reasons for their existence at the time of the Reformation, when they were suppressed to a great extent, and when they acted as poor-houses, hospitals, libraries, and universities, than in these days when all those requirements are better supplied by other means. He thought, therefore, that not on religious but on public grounds, and as a matter of State policy, that the State had a right to regulate those establishments; and it certainly was its interest to refuse any encouragement to establishments which must necessarily have a tendency to withdraw citizens from their proper duties and services to the State. He, of course, made a great distinction between different monastic establishments; between those whose rules merely enforced a contemplative life, and those whose inmates were engaged in works of mercy among the poor: the case of the Sisters of Charity, where ladies combined in order to be actively useful to the community, was a very different case from the former. He should vote against the Bill; holding at the same time that the Legislature had a perfect right to interfere, and that, on the necessity for their interference being shown, it would be their duty to do so.

VISCOUNT BERNARD said, he held in his hand a statement of the case of "Fulham *v.* Macarthy," which he felt bound to read, in consequence of the statement made by the hon. and learned Member for Youghal (Mr. C. Anstey). The facts were these:—

> "Mr. Macarthy, of Cork, died in the year 1843, leaving a large grown-up family, and personal property to the amount of upwards of 90,000*l.* Two of his daughters had, with his consent, become nuns, in the convent of Blackrock, in the years 1828 and 1829 respectively. He paid 1,000*l.* entrance-money with each of them, on the understanding that they were not to participate in any property which he might leave at his death."

The hon. and learned Member for Cork (Mr. Serjeant Murphy) had told them, on the authority of the Roman Catholic bishop of that diocese, how ladies were willing to sacrifice all domestic affection and happiness at home for the sake of living in the delightful seclusion of the convent. But what did the House imagine to be the real state of the case? Nelson Macarthy, in his answer in the case of "Fulham *v.* Macarthy," giving the substance of a conversation with his sister, stated—

> "That he saw Maria (his other sister), and that she told him that she cried and wept all night long after signing the deed. She told him that he could not see his sister Catherine that day, as she was undergoing punishment. Some weeks after, he says, he saw Catherine, who appeared very weak and depressed. She said, that in reference to the deed, a pen might as well have been put into the hands of a corpse as hers. She informed him that she feared she would be obliged to sign the deed in compliance with her vows, and that he had no idea of the mental training that they went through, and that she would be obliged to state that her acts were free and voluntary, and that everything done by a 'religious' must be done cheerfully and freely, otherwise it would be deemed and considered that she had broken her vows."

Question put, "That the word 'now,' stand part of the Question."

The House divided:—Ayes 91; Noes 123: Majority 32.

List of the AYES.

Adderley, C. B.
Bailey, J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Barrow, W. H.
Bateson, T.
Bernard, Visct.
Best, J.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burrell, Sir C. M.
Carew, W. H. P.
Chichester, Lord J. L.
Child, S.
Cholmeley, Sir M.
Colvile, C. R.
Cowan, C.
Cubitt, W.
D'Eyncourt, rt. hn. C.T.
Dick, Q.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Edwards, H.
Estcourt, J. B. B.
Fergus, J.
Fitzroy, hon. H.
Forbes, W.
Forster, M.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gilpin, Col.
Goddard, A. L.
Gooch, E. S.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Hayes, Sir E.
Hildyard, R. C.
Hornby, J.
Inglis, Sir R. H.
Jones, Capt.
Legh, G. C.
Lennard, T. B.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lowther, H.
Masterman, J.
Miles, P. W. S.
Mitchell, T. A.
Moody, C. A.
Morris, D.
Newdegate, C. N.
Packe, C. W.
Pakington, Sir J.
Perfect, R.
Plumptre, J. P.
Reid, Col.
Renton, J. C.
Richards, R.
Sandars, G.
Seymour, E. D.
Sibthorp, Col.
Smollett, A.
Stanford, J. F.
Stanley, E.
Stuart, H.
Thompson, Col.
Tollemache, hon. F. J.
Tollemache, J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H.
Walsh, Sir J. B.
West, F. R.
Willyams, H.
Worcester, Marq. of
Wortley, rt. hon. J. S.

TELLERS.

Lacy, H. C.
Spooner, R.

List of the NOES.

Anstey, T. C.
Barrington, Visct.
Barron, Sir H. W.
Bell, J.
Berkeley, hon. G. F.
Birch, Sir T. B.
Blake, M. J.
Bouverie, hon. E. P.
Bright, J.
Brockman, E. D.
Brotherton, J.
Burke, Sir T. J.
Cayley, E. S.
Clay, J.
Clay, Sir W.
Cochrane, A.D.R.W.B.
Cocks, T. S.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Crawford, W. S.
Crowder, R. B.

Dalrym hon. T.
Dawson, V.
Deedes, W.
Devereux, J. T.
Drumlanrig, Visct.
Duncombe, T.
Duncombe, hon. O.
Emlyn, Visct.
Fagan, J.
Fortescue, C.
Fox, W. J.
Gladstone, rt. hn. W. E.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Greene, J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Hall, Sir B.
Harcourt, G. G.
Hatchell, rt. hon. J.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hobhouse, T. B.
Hope, A.
Howard, P. H.
Hutchins, E. J.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
Labouchere, rt. hon. H.
Lascelles, hon. E.
Lawless, hon. C.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Matheson, Col.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Mulgrave, Earl of
Nicholl, rt. hon. J.
Norreys, Lord
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Palmer, R.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Power, N.
Prime, R.
Rawdon, Col.
Reynolds, J.
Roche, E. B.
Russell, Lord J.
Sadleir, J.
Salwey, Col.
Scully, F.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thornely, T.
Townley, J.
Townshend, Capt.
Vane, Lord H.
Wall, C. B.
Wegg-Prosser, F. R.
Whitmore, T. C.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Young, Sir J.

TELLERS.
Arundel and Surrey, Earl of
Murphy, P. M.

Words added:—Main Question, as amended, put and agreed to.

Second Reading *put off* for six months.

The House adjourned at twenty minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 15, 1851.

MINUTES.] A CONFERENCE. Conferences with the Commons—Amendments to Bills.
PUBLIC BILL.—1^a Duchy of Lancaster (High Peak Mining Customs and Mineral Courts).

REFORM OF THE COURT OF CHANCERY.

LORD LYNDHURST said, he wished to call the attention of their Lordships for a moment to the subject of the promised Bill for the reform of the Court of Chancery. Their Lordships would recollect, as a matter of history, that towards the close of the last Session of Parliament the noble Lord at the head of the Government gave notice to the House of Commons that he should, early in the next Session, introduce a Bill for the reform of the Court of Chancery. One would, therefore, naturally enough have supposed that that noble Lord, in conjunction with the law officers of the Crown, would have employed himself during the recess in framing that Bill; and accordingly, in the Speech from the Throne at the opening of the present Session, the promise previously made in distinct terms was again as distinctly reiterated. Within a few days after the meeting of Parliament, in answer to a question put in the other House by the hon. and learned Member for Newark (Mr. Stuart) the noble Lord stated that he should very shortly lay on the table of the House the Bill in question. Very shortly lay on the table of the House! It was perfectly clear that the noble Lord did not use these terms in the ordinary sense, but (if he might so express himself) in a *quasi*-Chancery sense; for upwards of three months, or more than half the Session, had expired, and yet they had heard no account whatever of the Bill—it had never yet made its appearance. The noble Lord, it would seem, from the moment that he had become connected with the business of the Court of Chancery, had partaken of the sin of that court, namely, the sin of delay; or perhaps he was desirous of illustrating, in his own person, the inconveniences in the Court of Chancery which he wished to see remedied. But the question was, when were they likely to have the Bill to which the noble Lord had referred? He confessed that he was at a loss to know whether he should put that question to the noble and learned Lord on the Woolsack, or to the noble Earl opposite (Earl Grey), who seemed to be more in the secret of the Government on the subject than the noble and learned Lord; but whether he could get a distinct answer from the one quarter or the other, at all events a distinct answer he should like to have.

The LORD CHANCELLOR said, his noble and learned Friend who had just spoken, had previously given him notice that he should make some observations on this subject. As the noble and learned Lord had himself presided for some time in the Court of Chancery with so much credit to himself and benefit to the country, he was aware how far the remedy for the inconveniences of that court could be easily accomplished. He could hardly think the remedy was so easy, or the noble and learned Lord would not have been so long in office without proposing one—for during all the time that he held the Great Seal the noble and learned Lord did nothing whatever in this matter, but left the task entirely to his successors. He could assure the noble and learned Lord that ever since he had been in official communication with the Government, their attention had been earnestly directed to the subject. The noble and learned Lord said that they were now in the middle of the Session, and yet the Government had done nothing in the matter; but surely the memory of the noble and learned Lord was at fault there, because he (the Lord Chancellor) recollected the noble Lord at the head of the Government stating in the House of Commons the outline of the Bill which he proposed to introduce. His noble Friend had also stated that it was his intention very shortly to bring in that Bill, and at that period a draft of the Bill had been actually prepared, and was intended to be introduced. The noble and learned Lord himself made some very important observations on the subject of that proposed Bill; and many learned Members of the House of Commons and members of the profession, in consequence of what had passed, had been in communication with him (the Lord Chancellor) on the subject, and had made various suggestions of too much importance to be overlooked. He had also been in communication with his noble Friend at the head of the Government, and had requested him not to bring in his proposed Bill at that moment, until he (the Lord Chancellor) had had an opportunity of fully considering and communicating to him the suggestions of these learned persons, by no means overlooking the several important suggestions of the noble and learned Lord himself. Since then he (the Lord Chancellor) had been in communication with those learned persons, and the Bill was still before him; but he had not yet been able to give it a final perusal. He had the Bill prepared, however, and it would undoubtedly be brought in in a very short time. He could assure the noble and learned Lord that the subject had never been absent from the attention of the Government during the whole of the Session, and he had himself been greatly engaged upon it. He would appeal to the noble and learned Lord himself whether he was not fully aware of the extent of the difficulty in proposing a measure of such vast importance, which, while it should accomplish some objects of undoubted importance, should not fail to provide for the accomplishment of others equally important. The remedy for certain evils alleged to exist had already been proposed; and the noble and learned Lord himself had pointed out what would be the consequences in some other respects if such a remedy were adopted.

Lord LYNDHURST said, he was glad that he had put his question, because he had obtained a distinct answer to it. What had just fallen from the noble and learned Lord, fully justified the remarks that he (Lord Lyndhurst) had made on a former occasion. He now wished to know whether it was intended to bring in the Bill in that House or in the other House of Parliament, for that was a material question?

The LORD CHANCELLOR said, he was not aware that there was any alteration in the original intention of the Government to introduce the Bill into the House of Commons.

THE PROPERTY TAX BILL.

Lord LYNDHURST said, in the marginal note to the first clause of this Bill it was stated—"Rates and Duties granted by recited Act further continued for three years," while the clause itself recited that it was to be continued for "the term of one year then next ensuing, and until the assessments made, or which ought to be made, for the last year of the said term shall be completed, levied, &c." Now, what was meant by the last year of a term of one year, he could not for his life comprehend. He wanted to know how far the print of the Bill given to their Lordships corrresponded with the Bill as it came from the other House?

The Marquess of LANSDOWNE said, inquiry should be made into the point. He was convinced that the error had originated with no officer of their Lordships' House.

Earl GREY thought the marginal note was evidently a mistake of the printer.

Lord LYNDHURST said, the error could not have arisen in the printing, because he had inspected the original Bill, and found the mistake there also.

The Marquess of LANSDOWNE said,

if there was any error in the original Bill, it would be necessary that the Bill should be sent back again to the other House before it could be corrected. It could not be amended by their Lordships.

EARL GREY said, the blunder must be attributable to the Mover of the Amendment in the other House, who had not seen that the necessary alterations were properly carried out. No inconvenience, however, could arise beyond the mere clumsiness of the language, from the wording being allowed to stand as it was.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Thursday, May 15, 1851.

MINUTES.] A CONFERENCE. Conference with the Lords—Amendments to Bills.

PUBLIC BILLS.—2° Bridges (Ireland); Common Lodging Houses; St. Albans Bribery Commission; Enfranchisement of Copyholds (No. 2).

3° Small Tenements Rating Act Amendment.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate on Question, [9th May] — Debate *resumed*.

Question again proposed "That Mr. Speaker do now leave the Chair."

MR. SCULLY said, he rose to oppose the Motion for Mr. Speaker's leaving the Chair, and he did so because he believed that the Bill was not warranted by the facts, and that, if carried, it would be dangerous to the moral and social condition of Ireland. The noble Lord at the head of the Government had stated various reasons to justify the introduction of this measure. First, he had asserted that it was necessary to meet an aggression on the rights and privileges of the Crown, and then he said its object was to place the affairs of the Irish Church in a different position, and if not to coerce to restrain its powers. And another reason put forward was—and this was the principal ground urged by the right hon. and learned Master of the Rolls—that the measure would interfere with the synodical action of the Roman Catholic clergy in Ireland. The noble Lord also urged that this aggression of the Pope's had arisen from a design on the part of his Holiness to interfere with the constitutional liberties, not of this country alone, but of other European States; that it was part of the revolutionary tactics pursued by the Pope throughout Europe; and that its object was to create difficulties and disturbances between England and Ireland with respect to this last question. He (Mr. Scully) believed the policy of the Pope was entirely different to that which the noble Lord had declared it to be; and they had, he thought, sufficient proof of this in what he had done in Italy, where certainly he had never encouraged revolutionary doctrines. The noble Lord had further stated that no Continental State, whether Catholic or Protestant, would permit such an aggression as he said the Pope had made upon the independence of England: now, looking at the reports of our Ambassadors and Consuls, he (Mr. Scully) was led to quite a different conclusion. He found that in almost every nation in Europe there had been an inclination of late to increase the power and efficiency of the Roman Catholic Church, and to remove those obstacles and persecuting statutes which formerly stood in the way of its development. It appeared that Austria (to which the noble Lord had referred) had never forbidden provincial councils or diocesan synods, and that the Pope had the power of nominating the hierarchy. In Prussia—a Protestant country—the relations between the King and the Pope were regulated by a concordat signed in 1821, and then the Pope had divided the country into districts precisely as he had done here; but in consequence of many advantages conferred upon the Catholic Church, such as the endowment of their clergy by the King, the Pope had conceded some of his rights, one of which was the veto on the appointment of bishops upon good grounds being shown for such a proceeding; and by the statute of 1850 the publication of bulls and rescripts from the Pope was allowed. In another country not referred to by the noble Lord — Greece — it appeared from a letter written by Mr. Wyse, and quoted in the reports made to the noble Lord the Secretary of State for Foreign Affairs, that the Pope, even there, directed the appointment of the Roman Catholic bishop and his coadjutors without the intervention of the Greek Government. Again, in Belgium, though the salaries were voted by the Chambers, the Pope had the nomination of the archbishop and the bishops, and bulls and rescripts from Rome were allowed to be published without any previous permission from the Government being required; in addition to which the Pope had the power of increasing the number of clergy of all classes. This was an important fact as regarded Belgium, where, previous to its separation from Holland, the Roman Catholic religion was subjected to such severe penal enactments. In a pamphlet published by Mr. Carew O. Dwyer, the late Member for Drogheda, numerous instances of persecution of the Roman Catholic Church in Belgium, under the Dutch Government, were stated. Persecution on account of their religion was the principal cause of the revolution which ended in the separation of the two countries; and he warned the House that the example thereby set, might be one day followed by the people of Ireland, if this persecuting measure was put in execution. The noble Lord had said, that the late proceeding on the part of the Pope was likely to endanger the constitutional liberties of this country; but he seemed to forget that the Pope had recently pursued a course in his own country which tended to preserve monarchical institutions. When Ireland was strongly excited in 1798, what did the Pope do? His Holiness addressed the Roman Catholic hierarchy, and said that secret societies were the nurseries of sedition and rebellion, and ought to be put down. Similar language had recently been used with regard to these societies by Dr. Cullen—that eminent man who had been designated a "political demagogue," and whom the right hon. and learned Master of the Rolls called an "Italian monk," a phrase which that right hon. and learned Gentleman ought to retract. Instead of trying to crush the hierarchy, the Government ought to be the first to support that exemplary body. The noble Lord had declined to answer the question so aptly put to him by the hon. and learned Member for Athlone (Mr. Keogh). That question was, whether he would enforce this Bill or not. The noble Lord said, that the present Bill would do no more than the Act of 1829—that that Act had not been violated, so consequently it was not necessary to enforce it; and he trusted the same might result from this Bill. But he (Mr. Scully) would ask, had the Roman Catholic hierarchy committed any offence against the Act of 1829? Was the appointment of a Bishop of Galway a violation of that Act? or was the appointment of a Bishop of Ross a violation of it? He believed these were violations of it; yet the Act was not enforced, because the noble Lord was well aware that the 7,000,000 of Irish Roman Catholics would not permit it. He wanted to know if the Act had not been violated in other respects. The Act provided that no Roman Catholic bishop should take the title of any town or place held by a Protestant bishop, and that if he did he subjected himself to a penalty of 100*l*. Now, a case had occurred in the courts of Dublin, in which it was shown that the Roman Catholic Archbishop of Dublin had signed his name "Archbishop of Dublin;" and was not that an assumption of the title held by the Protestant Archbishop of Dublin? He wished to know whether it was really intended by Her Majesty's Government to enforce the present Bill or not; if it was merely meant to be a dead letter, why, he should like to be informed, should it be passed at all? The prerogative of the Crown had been talked of; but if that prerogative extended to Ireland, did it not likewise extend to the colonies? And, if we allowed the creation of Roman Catholic bishoprics in the colonies, was it not unfair and unjust to include Ireland in the operation of the Bill now under consideration, and exclude the colonies? He could not discover how the Protestants of England had been in anywise politically injured by the late proceeding of the Pope, or how the Protestant bishops, rectors, or church placemen, were at all affected by it. He believed the country would yet see that this misnamed aggression did not interfere with them in any respect. Before the Act of 1829 was passed, the Protestants anticipated danger to arise from its enactment; but could any one now point out what danger had resulted to them from it? He could not help thinking that the people of this country would in time to come, reflect with regret on the time they had wasted in an irrational attempt to persecute the Church they had emancipated in 1829. If the present Bill were confined solely to England, Ireland would nevertheless oppose it. If the clergy of the one country were attacked, the clergy of both would feel themselves attacked, and the Irish people would resist every attempt to persecute the Roman Catholic clergy of England. At present Roman Catholics were allowed to hold seats in that House, to become Members of the Government, to attain the highest distinction at the Bar, and in the Army and Navy; and yet Her Majesty's Ministers seemed now to think that it would be right to persecute their Church. The attempt, however, would fail. If the Bill were carried into execution, might not the Roman Catholics of Ireland be tempted to retaliate? and, if so, what might become of the Protestant people of that country? He called upon Protestant Members of that House, representing places in Ireland, to consider what feelings would be engendered there by this proposed legislation. It would create violent irritation; and, he would repeat, it would be difficult to say in such a case what might be the fate of the Protestant Church in Ireland in the midst of millions of offended Roman Catholics. If this measure were carried, the spread of national education in the sister country would be endangered, for if the Roman Catholic bishops were removed from their seats, that unfortunate result must follow. Let it be recollected by the House that those of the Roman Catholic bishops who were formerly the most lenient and passive, were now in hostility to the Government. He believed that if the Queen's Colleges had been established upon a proper basis, they would confer great benefits; but the sole appointment of the Professors by the Government, was a system that could not be sanctioned by the Catholic hierarchy, and was one not carried out in any Continental country. It was very desirable, he thought, in the course of this debate, that some one should explain to the Government the peculiar manner in which the Irish Roman Catholic hierarchy were situated. He believed no bishop could be appointed in that country unless he took his title from some place or town in the country, and that he must appoint priests as "bishop of that place or town." By this means only their authority was conferred; so that the Catholic Archbishop of Cashel, though he had a right to say mass and to celebrate marriages, and so on, in his own archdiocese, could not perform any of these duties in the archdiocese of Dublin. The Pope, moreover, addressed him as "Archbishop of Cashel;" but if the present Bill were passed, and it was enforced, he would be deprived of all those rights and privileges, and the country would be thereby thrown into a state of convulsion. It had been said that by introducing the Roman Catholic hierarchy into England, the canon law would be also introduced, and with it the power of excommunication; but, supposing this to be true, was there no remedy by the common or statute law of this country? Why, Lord Stanley had distinctly stated in his place in Parliament, that if the bishops or priests of the Roman Catholic Church attacked their Roman Catholic subjects, the law of the land would step in and protect the rights of the people. There was no danger, therefore, even if the canon law were introduced, that there would be any injury done to either person or property. He did not apprehend that any such results would follow. Sardinia was the only case that had been cited in which, for a long period, any such act had taken place; and he was prepared to contend that in that instance the facts had been greatly exaggerated. The laws of the land here were, he believed, sufficiently strong to resist the attempt of any priest to injure in their persons or property the Roman Catholic laity. In this country if a person were injured in his person or property by an excommunication, he could have a remedy at common law; and a case had lately occurred in the county of Cavan, where a man was excommunicated by his clergyman from the altar. He applied to the civil courts, and obtained damages against him. The Catholic people of Ireland felt perfectly secure in the exercise of the rights and privileges which they enjoyed; they feared no interference with them on the part of the Pope; and they did not ask such a measure of protection as the noble Lord (Lord John Russell) had held out to them; and a declaration had lately been made by the Roman Catholic nobility and gentry of this country to the same effect. He believed that the present Government, in attempting to do that which no other Government had ever ventured to do, had acted upon reasons very different from those which they assigned. Instead of those grounds, such as the creation of a hierarchy in this country, or the course taken by the Synod of Thurles in respect to the college question, he thought the Government feared an increase in the number of Roman Catholics in this country; and it was against the progress of that religion that they now proposed to legislate. There were, however, other grounds upon which he would rest the propriety of the course which he and his friends were taking in resisting the Motion that Mr. Speaker should leave the Chair. They had to look to the Amendments which were to be submitted when the House did go into Committee. The Bill itself was bad enough, and would do mischief enough. But the proposed Amendments if carried would madden the people, and increase the danger of violence, even of revolution. The question, then, was, were they to afford the opportunity of putting these Amendments? If these Amendments were carried, they would run the risk of provoking a civil war. Such Amendments came appropriately from the party which had given notice of them; and the noble Lord (Lord John Russell) would do well to hand over the whole measure to that party, and to wash his own hands of all the consequences of this description of legislation. The very first Amendment proposed was, that the conduct of the Roman Catholic bishops should be made amenable to the inquisition of a common informer. Now, the noble Lord was bound to state, in asking permission to put the Bill into Committee, what he would do in respect to those Amendments. Until some explanation was given by the Government, the Irish Members must be held to be perfectly justified in the course they were taking. The accusations against the Irish Members of "factious opposition," came with a very ill grace from some of those who uttered it, because he remembered that those very Members who had supported the Irish Coercion Bill of 1846, on its first reading, afterwards turned round and voted against it on the second reading, in order to drive Sir Robert Peel from office. Hon. Members opposite voted, in 1846, against the measure which they themselves afterwards introduced and carried through the House. And, as Members of a party, hon. Gentlemen opposite voted black and blue every day of their lives at the bidding of their leaders. The Irish Members took a course of which all Ireland approved, and that was sufficient for them. He could not find language strong enough to convey the deep feelings of indignation pervading the constituency which he represented in regard to this infamous measure. Let there be no mistake about the people of Ireland: they were insulted and they felt the insult, and they would not forget it. This Bill might become law: even then it might be inoperative; but it would have to be atoned for. He warned the friends of the Established Church in Ireland that if this Bill passed, the Roman Catholics of that country would support no candidate who would not pledge himself to remove the anomaly and disgrace of maintaining a Church in Ireland, which was the Church of the minority. Ministers would do well to remember that the elective power would be placed, at the next general election, in the hands of a new class of voters in Ireland. The next general election would show the effect which this controversy had had in Ireland. Under ordinary circumstances, and with the new franchise in operation, the noble Lord would not have had to expect more than thirty votes against him for Ireland. He would now have to look for an opposition from over double that number—an opposition pledged to resist his Government at every step, unless he was determined to desist from measures of persecution similar to the present, and develop a wide and comprehensive policy for Ireland. Let Her Majesty's Government, therefore, beware. Any attempt to enforce this Bill would result in a revolution. He warned the House that it was only wasting its time in discussing and passing a measure which no Government would ever dare to enforce. He would tell them, that if they attempted to put one Irish Roman Catholic bishop in gaol, their reign in Ireland was over for ever.

MR. WEGG PROSSER would vote against the Bill. He thought that the discussion had so far been utterly irrelevant to the true points at issue. There had been many speeches against the Roman Catholic religion and against the political system in Roman Catholic countries. On Monday night even the noble Lord (Lord John Russell), taking that line of argument, had taunted the hon. and learned Member for Athlone (Mr. Keogh) with a question as to what would have been his position as a subject in Rome. But the Roman Catholics of this country asked for religious freedom, not upon the ground that they were Roman Catholics, but on the ground that they were Englishmen. Many fallacies were involved in the arguments which had been used to support the Bill. Was it right to cite the customs of other countries of Europe who had never enjoyed the blessings of religious freedom? The instance of Sardinia had not been fairly stated, because the fact had been omitted that they had broken their concordat with Rome, and had not obtained a renewal of it. He believed that in Sweden—a purely Protestant country—the lessons of tolerance had yet to be learnt; and he trusted those principles would be extended to all countries. With regard to Ireland, on the one hand it was said that Ireland, being a Roman Catholic country, ought not to be included in the Bill, and that to include it would be merely stirring up a spirit of dissension, which could have no possible benefit. On the other hand, it was contended by the Government, that as the prerogative of the Queen extended to both countries, to repel an aggression on that prerogative it was absolutely necessary to extend the measure to both countries. But he believed the inference which would be drawn by every reflecting mind would be, that the Queen's prerogative was not concerned, and that it was a mistake and a fallacy to suppose that it had anything to do with the subject. The act of the Pope was termed an "aggression." Now it certainly was not an aggression endangering the social harmony of the country. It certainly could not be an aggression with the political object of increasing the political power of the Pope in this country; for, obviously, the Pope, in appointing a hierarchy which would be independent and nationalised, would not have the same control over Roman Catholics as he had possessed through the means of vicars-apostolic. It certainly was not an invasion of the prerogative of the Queen; for the titles conferred were titles in a Church not acknowledging the spiritual supremacy of the Queen. As to the introduction of the canon law clashing with the law of the land, he was not enough of a lawyer to understand the case fully, but he did not think there was any ground for supposing there would be such a result; at all events, there was no chain of evidence to justify interfering with the internal concerns of the Roman Catholics, to defend them from injuries of which they had no dread. As to the temporal power of the Pope, that was now denied by the majority of Roman Catholics; and he thought even that had been unnecessarily condemned, seeing that the exercise of that power in bygone ages had carried some benefit with it. When it did exist, it was not an unmixed evil. Macaulay wrote thus:—

> "What would be a great evil under a good Government, under a grossly bad Government might be a blessing. It is better that mankind should be governed by wise laws and enlightened public opinion than by priestcraft; but it is better that they should be governed by priestcraft than by brute violence."

The temporal power of the Pope was of service in the middle ages, and, therefore, it ought not to be abused in that violent manner in which it sometimes was by those who wished to serve some political or party purpose. As to the Pope intending to form a dangerous combination in England, the appointment of diocesan bishops, who would necessarily become nationalised, did not seem the best means for effecting that object. The difference between a bishop *in* and *of* a place, or a person exercising episcopal jurisdiction *in* a place, was a distinction unworthy the good sense of the House. If a Roman Catholic bishop exercised certain authority within a certain district as Roman Catholic bishop in that place, he was the Roman Catholic bishop of that place. The bishop of the Roman Catholics in Birmingham was to them Bishop of Birmingham; and he was at a loss to understand the distinction which had been attempted to be made. Then as to titles, there might be titles of rank, or titles applying to the capacity in which the person acted; as, for instance, "parish priest" was a title, but it was no title conferring temporal precedence or privileges; and exactly of the same description were the titles against which they were legislating. Another point was the supposed insult on the British nation; and he thought there was a great deal of national vanity mixed up with that portion of the argument, for which there could be no justification. Again, there were many men who held that the title of bishop was one which could neither be given nor taken away by an earthly power—who, like himself, believed that episcopacy had a Divine origin; and therefore he did not think it right that the House of Commons should indirectly deny that doctrine. It was a bad thing for the State to interfere at any time with religious bodies; but especially when those bodies were not endowed by the State. One reason had been urged in support of this Bill, which, to his mind, was a strong reason for rejecting it, namely, that because there had been a great outcry in the country, it was the duty of this House to do something—they did not know what. He thought the duty and functions of the House of Commons was to reflect, not the wild outcry of mobs, but the calm and deliberate opinion of the community. After the country had time to reflect, he was sure every man must be ashamed of what had been done during the past six months; or, if not, he would be ashamed of his country. When they found the sign of the cross, the symbol of our religion, marked on the walls in mockery and derision, it was time to feel some alarm for our common Christianity. Such acts would not tend to raise a Christian country in the eyes of the world. He believed the best thing they could do was, not to pass the Bill, but to oppose themselves to the madness of their countrymen. Viewing the case under such feelings, therefore, he should vote against the further progress of the Bill.

MR. CAMPBELL did not rise for the purpose of advancing any general debate. The supporters of the Bill might pass over for the moment the ingenious arguments of the hon. Gentleman who had just sat down, and the yet more diversified harangue of the hon. Member for Tipperary (Mr. Scully). He (Mr. Campbell) rose in order to remark that the Irish Members had committed an inaccuracy as regarded the object they pursued, and the cause with which they were entrusted, in resisting the Motion that Mr. Speaker do leave the Chair. The most sanguine and romantic of the Irish Gentlemen amongst them could not hope by the persuasion he contrived, or the obstruction he accumulated, to avert the ultimate accomplishment of some legislative measure. What alternative remained then to unqualified discomfiture, except to give effect to the proposition of the hon. Gentleman the Member for Rochdale (Mr. S. Crawford) in Committee? The hon. Member for Rochdale was prepared in Committee to explain that the wishes of the English public could be executed, and the honour of the Protestant religion vindicated, although Ireland was exempted from the operation of the statute they enacted. That opinion, it was well known to many, the most enlightened writer on the controversy, Dr. Twiss, had seemed to favour. In that opinion it was tolerably evident the hon. and learned Member for Midhurst (Mr. Walpole) acquiesced, as he was too sagacious and considerate to think the measures he proposed consistent with religious peace or social harmony in Ireland. He offered no remark on the validity of what the hon. Member for Rochdale was about to vindicate. He ventured to suggest, however, to the Irish Members, that they were thus invited from a quagmire to a standing place, from empty sound to practical discussion, from vain and desperate attacks, to rational and possible resistance. The success of that resistance must depend in some degree on the effect with which it is conducted; and the Irish Members can hardly need to be reminded that if they exhaust the House with harassing complaints, and idle reclamations, they will by and by support the hon. Member for Rochdale with very little credit to themselves, and very little justice to the parties they are anxious to defend.

MR. TRELAWNY implored the Government not to proceed further with the Bill. He wished to support the Government as far as he could; but in this instance they had got into a wrong track, and he could not support them. But how was it proposed to carry this Bill into effect? If it succeeded it must be a persecuting measure; if it did not succeed, it would be merely a name-calling measure, and simply abusive. He did not see any harm in giving these titles, nor could he see with what consistency Government could object to this measure, and yet support the Charitable Bequests Act, the educational system, and the grant to Maynooth. The canon law might be oppressive; but that was a question for the consideration of the Roman Catholics alone, and as many of them as found it too oppressive might come over to the Protestant Church; but Protestants had no call to interfere in the matter. He was not inclined to pass any vote of censure upon the Government; but it was his candid opinion that the whole course of conduct pursued towards the Catholics in this country tended to make them think that we were inclined to allow them full liberty to do all they had done here. He believed, also, that such a law as the present, instead of checking the progress of Catholicism, would tend to strengthen the position of the Roman Catholics, and spread their doctrines.

MR. P. HOWARD said, the First Minister of the Crown had said that the friends of liberty in Germany, Italy, and other parts of Europe, were looking anxiously to this country for its decision upon this question. But he should like to know what legislative assembly had, directly or indirectly, expressed a wish that this Bill should pass into law. It was not the friends of liberty, but the friends of intolerance, who wished this Bill to pass. One argument had been urged in favour of this Bill by the hon. and learned Member for the city of Oxford (the Solicitor General), in the course of the debate—namely, the execrable mixture of spiritual and temporal power which was possessed by the head of the Romish Church. Now, in early times, and during the feudal system, no doubt a great amount of political and temporal power was conceded to the Sovereign Pontiff; but the case was quite reversed now, as might be seen by reference to the ablest modern books. It appeared, Leo. XII. in an Encyclical Letter to the Prelates of Christendom, states, "On civil matters we do not treat;" and again, in a reply to the President of Mexico, dated June, 1825, the same august Pontiff, in declining to interfere in the disputes with the mother country, uses these remarkable words:—"Our peculiar character and the dignity to which, without the least merit, we have been raised, requires that we interfere not in affairs unconnected with the Church." And yet when it was a question of purely spiritual power, on the expiration of the concordat with Spain, Leo. XII. in a Consistory held in 1827, nominated, without consulting Bolivar and the other chiefs of Spanish South America to the vacant Archbishoprics of Santa Fe and the Caraccas, and to other vacant sees on that continent, thus showing a careful abstinence from intervention in temporal matters, and at the same time a lofty assertion of the spiritual authority of the Holy See. It should be remembered, too, that Pope Gregory the Great was the means of introducing Christianity into this country; and we ought to feel some respect for the Papal See when we recollected that when Pope Pius VII. in 1808, was asked by Napoleon to take part with him against this country, he declined, saying that the English were Christians, and he could not take part against them. In the great county of Lancaster, there had been no public manifestation of feeling in favour of the Bill; nor had any public meeting taken place in Middlesex. In the counties of Northumberland and Durham, the efforts of intolerance had failed. In Buckinghamshire there had been no county meeting. "So much for Buckingham"—which would not engage in the crusade of intolerance. In Yorkshire, the county meeting was one of the smallest on record. In short, the great mass of the people of England would not join in this intolerant movement against their fellow-countrymen. If it was a hardship to Ireland to be included in the Bill, it was a much greater hardship to the English Catholics, because between the years 1798 and 1829 there was no prohibition to English Catholic prelates against taking any titles which they wished. The restrictions were imposed from the Irish Acts in 1829. There was another point to which he wished to call the attention of the House. When Bonaparte wished to make a division of the dioceses in France, he did not do so without having recourse to the Pope, although the Pope was then in a state of exile and political weakness. It was Pius VII. who superseded the old dioceses of France, and created the different ecclesiastical divisions. There were some other remarkable cases in which the Holy See had altered dioceses. Jersey and Guernsey were under the ecclesiastical government of a French prelate. What did Alexander VI. do? He transferred the government of these islands from the ecclesiastical jurisdiction of the French prelate to that of the Bishop of Winchester. Did not this prove that the right of appointing to sees was clearly an attribute of the Holy See? Throughout the East, the Sovereign Pontiff, without any communication with the Governments, had appointed to bishoprics. The Bishop of Manchester had used an argument which had made an impression in some quarters—namely, that agreements had been made with different Governments on these subjects. But that was always in the case of hierarchies supported by the State. The case of a hierarchy which was purely voluntary, did not come within the argument of the Bishop of Manchester. The Catholic Church in England received no support from the Government, and there was no reason why the Government should interfere with its spiritual affairs. He felt confident that the attempt now making would be foiled by the resistance which conscience would oppose to authority. He regretted the vituperative language which had been used by the First Minister of the Crown, and believed his letter to the Bishop of Durham to be altogether without precedent. It should be recollected that the nation was indebted to the Catholics for the very foundation of its liberties. Magna Charta, trial by jury, and all the great foundations of liberty, had been laid by our Catholic ancestors; and it should not be forgotten that the origin of the quarrel between a Monarch of England and the Archbishop of Canterbury was an interference with the freedom of election by the Chapter of Canterbury; and afterwards, when the Sovereign Pontiff attempted to assert a degree of temporal authority which was not recognised by the creed of the Church, Archbishop Langton protested against the act of the Pope. The civil and political rights of the people of this country had been asserted by those professing his own creed, and by himself during a rather long political career. He had supported all the great measures of political reform, and all those which were congenial to political liberty. He would continue to do so. At the same time he would venture forcibly, but respectfully, to defy the efforts of every Government which sought to interfere between men and their Maker.

The LORD ADVOCATE said, it would be unpardonable, at that late stage of an already long-protracted discussion, if he were to enter into this subject in detail; but as the question had excited considerable interest in Scotland, and as the people of that country, although perhaps they might not have made any very strong demonstration, undoubtedly looked with great anxiety to the result of the deliberations of the House, he was anxious, as shortly and succinctly as he could, to reflect their opinions, and to express his own. In doing so he would, as far as possible, confine himself to the broad and simple principle on which, as it appeared to him, this question mainly depended. He might, perhaps, be allowed at the outset to express a feeling which was, he believed, as universal in Scotland as the feeling of indignation at the proceedings of the Court of Rome —he meant a feeling of deep and sincere regret that any circumstances should have occurred to render the present measure necessary. He believed that, since 1829, there had been in this country, and especially among the Protestant part of the community, a very sincere, and honest, and growing wish that religious differences should mingle as little as possible in political discussion. The removal of the disabilities affecting Dissenters, whether Roman Catholic or Protestant, had led to a more friendly, and free, and cordial intercourse among persons of all denominations and of all creeds, and that intercourse had produced its natural fruit in greater liberality and charity of opinion on all sides. He believed that, so far from there being any desire on the part of the people of this country to revive the old flames of religious intolerance, to ransack too curiously ancient statutes, or to revive forgotten penalties, the very reverse was the fact. He considered that the agitation which had spread throughout the country, and the strong and vehement opinions that had been expressed, had arisen among and had been elicited from a community who were so far from wishing that such questions should be stirred, that nothing but the conviction of strong and overwhelming necessity would have roused them to action. It was not, however, difficult to find the real cause of all this agitation. Some hon. Gentlemen had spoken as if the brand of discord that had been thrown among them, had come from the hands of the Government. [" Hear, hear! "] He would accept that cheer as a test of the question; and would put it to hon. Gentlemen, if it were not a circumstance which had a strong and convincing moral in the case, that this measure, which was said to be so intolerant, had come from the hands of a party who had founded their political reputation on having fought the battle of toleration in its darkest times—from a party who from the year 1829 to the present day had been the firmest and strongest supporters of the principle of toleration—a party who had so completely identified themselves with those principles, that they had not escaped a sneer and a taunt from hon. Gentlemen opposite, for having, by their too great friendship for Roman Catholics and for toleration, been one cause of the proceedings of the Pope. He thought it was plain that nothing but mere infatuation could have prompted such a measure as that now under discussion, without a strong conviction of its necessity. Some doubts had been expressed as to the cause of the present disunion between the Roman Catholic and Protestant population; but he considered that it was the rescript of the Pope from which the division had arisen. That rescript unquestionably altered the footing upon which the Roman Catholic Church in this country had stood for centuries. Its language plainly expressed that the author of it was setting himself, after the lapse of centuries, to reorganise a Church in this land which had been in abeyance. Well, whether that was right or wrong, whether it was in accordance with the constitution of this country or not, it surely was the initiative—the measure from which all the other proceedings commenced; and for hon. Gentlemen to discuss this matter as if there had not been an unquestionable innovation in the policy of the Court of Rome towards this country, was, he thought, to lose sight entirely of the real question at issue. This Papal rescript was the origin of the controversy; and the next question was, did it call for the interference of Government? He thought that it, and what had followed upon it, afforded very sufficient cause for some measure on the part of the Government; for, without taking into account the encroachment on the supremacy of the Queen—though that, he thought, in itself would have justified and compelled some Government measure—that rescript unquestionably bore upon its face, expressed in language not to be mistaken, the assertion of a right to spiritual dominion and supremacy not only over the Roman Catholics, but over the inhabitants of this country generally. Now if the Roman Catholics of this country, and the Pope in concert with them, had set themselves to work, as a dissenting and tolerated body should do, courteously and quietly, with becoming humility—[*Cries of* "Oh, oh!"]—with that respect at all events which they owed to the Government and the institutions of the country in which they lived, to reorganise their own ecclesiastical system in the way they thought most fitting and best adapted to its management, he was satisfied that the Government and the people of England, attached as they were to the principles of toleration, would not have been inclined to inquire too particularly into the steps which the Roman Catholic body might have thought it necessary to take for that purpose. He did not mean to say that what had been done could have been legally done under any circumstances; but what he wished to say was, that if they had exhibited on the face of their proceedings a simple desire to organise an ecclesiastical hierarchy in this land in conformity with its well-known laws and constitution, the House of Commons would now have had a very different question to deal with. He could find nothing of that kind, however, in the rescript. That document was couched in the language of the conqueror of a once revolted but now vanquished province; and, so far from showing the tone of one hoping and expecting and requiring toleration, it seemed to him to express the language of one who had the power and the will to be himself intolerant. The language of that rescript unquestionably amounted to a claim to domination and supremacy over Protestants in this country. They had been told that the Pope's rescript involved no claim to temporal supremacy in this realm. From what he had heard and read of the history of Papal domination, he was satisfied that the temporal supremacy of the Papacy was based upon its spiritual supremacy, that spiritual supremacy not being confined to the flock belonging to the Roman Catholic faith, but extending over the whole community. It had been said, also, that it was necessary the rescript should be issued, because, unless its provisions were carried out, the Roman Catholic body in this country could not possibly complete their spiritual framework, their ecclesiastical jurisdiction; and the House had been referred to various other Dissenting denominations who, it was argued, possessed the power and the right of doing that very thing which the Roman Catholic bishops and the Pope were now to be prohibited from doing. He would reply, in the first place, that there was a very great difference between what was done by a voluntary association within the kingdom, and what was done by the command and at the word of a foreign potentate out of the kingdom. In the next place, no Dissenting denomination, that he was aware of, ever had done, or ever had attempted to do, what the Pope had done by his rescript, and never had claimed the power which Cardinal Wiseman had arrogated to himself in his pastoral letter. Neither the Wesleyan Methodists nor the Free Church of Scotland, nor any other Dissenting body, so far as he knew, had ever claimed the slightest power over any other persons than those who belonged to their own persuasion. Reference had been made to the Scottish Episcopal Church, and to the case of Bishop Skinner, of Aberdeen, who, it seemed, had excommunicated one of his clergy for some ecclesiastical offence. Now, he (the Lord Advocate) thought that case was one very strongly illustrative of his argument. The case was this:—Bishop Skinner had published a sentence of excommunication. The clergyman did not choose to lie under that sentence, and, conceiving that the bishop had no right to publish it, he brought an action against Bishop Skinner in the courts in Scotland. The bishop came into court, but he did not plead as Bishop of Aberdeen. He designated himself, most appropriately, as "Dr. William Skinner, exercising episcopal functions within the district of Aberdeen." [An Hon. MEMBER: Adopting the words of the Act of Parliament.] The question arose whether Bishop Skinner was privileged in the statements he had made—whether he was in the exercise of a known and recognised public function, or was in the position in which any other person would have been; and, as far as the case went, the Court certainly found that there was no privilege. Now, that he (the Lord Advocate), thought was certainly the very worst possible illustration of the supposed tolerated power of the Scottish Episcopal Church, either to assume territorial titles, or to exercise the power which belonged only to the Established Church. Basing his opposition to the rescript on the ground that the Pope had assumed a right to spiritual supremacy, not over his own people only, but over all the inhabitants of the country, he maintained that it was no necessary attribute of toleration that a tolerated body should be able to exercise all the privileges which they might think necessary to the perfection of their own ecclesiastical system. He would take as an illustration the case to which he had just referred. It might be most essential to the working of an ecclesiastical system that the clergy should be protected in the exercise of discipline, yet it might be that the exercise of that discipline was inconsistent with the laws of the land ; and so it was found in that particular case. There was no doubt that a clergyman of the Established Church might do and say many things under the protection of the law ; but it did not follow that the same privilege was to be extended to those who were unquestionably tolerated, but who were not under the immediate superintendence and cognisance of the law. He (the Lord Advocate) spoke as a Dissenter himself, for he did not belong to the Established Church of Scotland ; but while the principles of toleration were unquestionably to be maintained, there were many privileges even in the exercise of spiritual jurisdiction, which a sect not established could not exercise. He should be sorry to think it any attribute of toleration in this country that any tolerated denomination was entitled to come forward in the face of the country and of Europe, and claim, in language not to be mistaken, the right to dominate, not only over the consciences of those who belonged to that denomination, but as spiritual rulers over all. He should think that the deadliest blow the principle of toleration could receive. He utterly disowned it. He denied that hon. Gentlemen opposite were the representatives of toleration. It was a far higher and more sacred principle than that. He was satisfied that the Ecclesiastical Titles Bill did not trench in the slightest degree on any principle of toleration. With respect to the steps to be adopted, he said nothing of the European view of the matter. It had been thought, and with good reason, that this proceeding of the Pope was derived from a much wider source than that from which it appeared to flow. But as an assertion had been made, most public in manner, and in language most striking, of the alleged power of the Pope to exercise jurisdiction in this land, it was impossible, and most of them seemed agreed in thinking so, to allow that language to pass without notice. It was said they might despise that language. But it remained with the party who was injured to say whether they could afford to despise the injury or not. He thought they could not afford to despise it. He thought so, first, on account of the effect in Europe. It was plain to him, and he thought the people of this country thought the same, that the Papal measure was one intended to be followed up by others—that this country could not afford to despise that measure without giving encouragement in quarters where it seemed that very little encouragement led to a great deal of encroachment. The whole effect of that measure must be to produce a state of religious strife, and to raise the fires of intolerance more strongly than ever. He believed the true policy with regard to the attempt made was that which was adopted—namely, to stop it at once. Then, on the other hand, the country could not afford to despise it. The people of this country were as strong in Protestant feeling—he could answer for his own countrymen, and he believed it was the case in England—as they were in 1688. If the people had seen the Government and the Legislature looking tamely on when insult was offered to the faith they had so deeply and tenderly at heart, nothing would have run the risk of suffering so much as the principle of toleration, which the people cherished deeply, but which might possibly have been swept away before the tide of indignation which would have arisen. What was wanted was, a plain expression of sentiment by the people of this country to Europe. That they would not suffer, as their ancestors did not, the spiritual domination of the Pope in this country; and it was a matter comparatively of indifference what particular steps were taken for that purpose, provided they did not trench on toleration on the one side, and were effectual on the other. He felt most strongly that no party had a better right to complain of the measure of the Pope than the truehearted loyal Catholic laity. He had every sympathy for the situation in which they were placed ; one could quite understand and realise it ; and, therefore, the measure calculated least to excite their feelings, if it were a sufficient measure, was to be preferred. But was the Bill an infringement on the principle of toleration? Was the Act of 1829 an infringement on the principle of toleration? And, if it were admitted that that Act was a demonstration of the principle of toleration, how could it be said that in the present instance, where the Legislature proposed to prohibit a person who assumed a right contrary to law, to exercise ecclesiastical authority over a district under a title derived from such district, an infringement of the principle of toleration was committed when the enactment corresponded with the provisions of the Act of 1829? He did not know enough of the framework of the Catholic hierarchy to enter fully into the question; but he was told it was impossible that the Catholic bishops could exercise their functions properly unless they took a designation derived from a district. Even if that were proved, the plea, on the principle to which they had already referred, could not be admissible. But was it true? Had the Catholic bishops exercised functions in this country and in Scotland for the last century? and had they taken designations from districts during that period? He wished to be informed of the fact; for either there was no ecclesiastical jurisdiction exercised during the whole of that time, or, on the other hand, the Catholic bishops succeeded in exercising ecclesiastical jurisdiction without taking titles of districts. He knew that in the Scottish Episcopal Church, where they held the principle of the Church very high, they had exercised all the ecclesiastical functions a bishop required to exercise. They had ordained, they had confirmed; and they had not taken even colloquially, till within the last few years, titles of places as essential to the discharge of those functions. He, therefore, was led to question whether this Bill would interfere with the proper jurisdiction of the Roman Catholic clergy. He should only say of the part of the country with which he was connected, that representations had been made that the people of Scotland cared little about the Papal measure. It was true they did not stand in very great danger of an invasion of Popery in the north. The solid Presbyterian feeling was very little likely to yield; and it was not derogatory to his countrymen to say that in the present case the demonstration they had made was not greater than the exigency required. But hon. Gentlemen mistook grievously who supposed that if the power of the Pope were to obtain a footing, or the Legislature were found tampering with the religious feelings of the country, the people would be acquiescent. The old spirit was not abated in Scotland in the slightest degree. It had become far more tolerant, but he was satisfied it had become not the less Protestant.

MR. REYNOLDS rejoiced that the voice of Scotland had been heard in that House to-night, because the voice they had heard, so far as regarded the support of the Bill, was a very feeble and moderate voice. The hon. and learned Attorney General for England, the hon. and learned Solicitor General for England, and the Lord Advocate of Scotland, had been heard in favour of this Bill; but the voice of the first law officer of the Crown in Ireland had not been yet heard either for or against the Bill. The right hon. and learned Gentleman, so far as his abilities would enable him, described the feelings of the people of Scotland, as well as the state of the law in Scotland. He (Mr. Reynolds) wanted a high legal authority to describe the feelings of Ireland. But if the voice of Ireland had been silent on the present occasion—if the legal voice of Ireland remained silent, the legal voice of England was not silent in regard to this Bill. Before he referred, however, to the opinion of eminent English lawyers, he would draw attention to some of the remarks made by the hon. and learned Gentleman who had just addressed the House. He had used a phrase which ought not to be used in that House. He had talked of toleration. What was the meaning of toleration as regarded this question? Did it mean that he and others who believed in the creed of his ancestors came within the range of Protestant toleration? The phrase was an infamous one. He was sorry to hear the hon. and learned Gentleman say the Catholics ought to have conducted themselves with humility. He did not understand the application of that phrase. [*Laughter.*] He did not understand the meaning of that cheer. He repeated that toleration was a phrase which ought not to be used by one British subject towards another, or one Christian towards another; nor ought it to be used in that House, containing as it did Christians of all sects into which their common Christianity was split. Humility! He did not entertain any feelings of humility. He felt on the contrary—he felt that he had been deprived of many of the benefits to which he was entitled, and that his ancestors had been deprived of them also—by the intolerant legislation of the ancestors of hon. Members; he felt, when at last, after a battle of two centuries, the broad seal had been attached to the charter of civil and religious liberty in 1829, that it was a tardy act of justice, and that he ought not to feel any extra humility on that account. He was surprised to hear the right hon. and learned Lord Advocate say that if this matter had been done quietly, if it had been done with humility, if it had been done *sub-rosâ,* if it had been done behind some political screen, if it had been done on the sly; then, probably, no offence would have been taken. But the right hon. and learned Gentleman had spoken of the Episcopal Church of Scotland, and said of Bishop Skinner that in one of the Scotch Courts he was described as Bishop Skinner exercising episcopal authority in a district in Scotland. For "district," he would read "diocese." He held in his hand a petition presented by the hon. Member for Glasgow (Mr. Alexander Hastie), which purported to be the petition of ministers, elders, and others of the Established Church of Scotland, signed by 200 members of the Established Church of Scotland. They referred to the Revolution settlement and subsequent ratification at the Union, whereby they stated prelacy, or the office of bishops and archbishops, and all superiority of any office over presbyters, was abolished, while the Presbyterian form was declared the only government of Christ's Church in the kingdom. The right hon. Secretary at War solemnly bowed assent to that opinion. The petition went on to say that 9-10ths of the population of Scotland continued as strongly attached to Presbytery and opposed to Episcopacy as ever; that for some time past, and more especially since 1840, the bishops of the "sect" called Episcopalians had, with much assurance and increasing boldness, renewed the ancient diocesan divisions of Scotland, and assumed the territorial titles and jurisdiction which originally belonged to the bishops prior to the abolition of episcopacy; that those titles were not only assumed by each of those bishops in the exercise of their functions within districts, but that they assumed to govern the whole people throughout Scotland belonging to their communion. Their ambition, it was added, had led them to adopt titles like those of the bishops in England and Ireland, so that they were addressed by the title of "My Lord," and "his Lordship," and signed official documents by their Christian name only. One, at least, of these bishops, it was further stated, wore on his private carriage the Episcopal mitre. They encroached on the rights of the Established Church; yet notice had been given by the right hon. Secretary for the Home Department of a clause to exempt those bishops from the operation of this Bill. The right hon. and learned Lord Advocate said, these bishops were the bishops of a local sect, but that the bishops of the Catholic Church were created by a foreign authority. As a Catholic, he (Mr. Reynolds) denied it. If the Pope were to take up his abode at Mivart's hotel, instead of Rome, where he was by the last accounts, he had it as much in his power to appoint those bishops and to allot districts as he had at Rome. The noble Lord at the head of the Government was continually pitching in the teeth of the Catholics, his stock-in-trade argument of the Sardinian act of refusing absolution. He might as well argue against emancipation. Reference had been made to a political prophecy of the late Mr. Grattan, that the refusal of emancipation would force the Catholics to incorporate themselves with the See of Rome. Did that mean spiritual incorporation? Since the conversion of Ireland by St. Patrick, the Catholics of Ireland had gloried in being incorporated with the Bishop of Rome, in a spiritual sense. But if incorporation in a spiritual sense were meant, that was an insult to the allegiance of Catholics. If the noble Lord talked of their being subject temporally to a foreign Prince, who was a pocket or duodecimo edition of a prince, he was holding up the weakest Power in Europe as a bugbear. They had sworn allegiance to the Queen, and would not allow the noble Lord at the head of the Government to impeach that allegiance. He had heard the right hon. and learned Lord Advocate with great pleasure, because he spoke in a moderate strain; but there was one thing rather important to the subject that he omitted—he did not say one word about the Bill. He said a great deal about the feeling of Scotland, the supremacy of the Queen, humiliation, and toleration, but not one word about the Bill, because no doubt he felt that to be a tender point. The noble Lord at the head of the Government told them the other night that if there was persecution in this Bill, it was a persecution they had submitted to since 1829, as the 24th clause of the Act of 1829 contained all that was in the present measure. The noble Lord, however, forgot the difference between the two cases. The object of the Bill of 1829 was to emancipate 10,000,000 of their fellow-subjects; and the 24th clause was inserted in it to pacify the bishops in another place; the object and animus of the present Bill were to enslave those millions, not to emancipate them—it was, in fact, a Bill of pains and penalties. The noble Lord said, it was not his wish to interfere with the Roman Catholic bishops in their episcopal functions, and that he had no intention to interfere with the Charitable Bequests Act, or with those who chose to will their money for charitable purposes. The noble Lord, nevertheless, would not permit him (Mr. Reynolds) to insert a clause in the Bill for the purpose of securing those rights and privileges; and yet he would continue to say that it was not a penal enactment. The hon. and learned Member for Aylesbury (Mr. Bethell), along with two other eminent lawyers, had given an opinion in which they declared that the omission of the second and third clauses of the Bill did not take any of the virus or poison from the Bill—that no Roman Catholic bishop could exercise his functions in Ireland if they passed this Bill even with one clause—and that no bequests for religious and charitable purposes could take effect according to the intention of the donors, even if they passed the Bill in its modified shape. What had brought him and many of his friends to the Opposition side of the House? This Ecclesiastical Titles Bill—this Bill of pains and penalties. What induced him to make the declaration that he would use every effort in his power to hurl the occupants of the Treasury bench from power? Nothing but this Bill. He had been taunted with declaring that he would vote black was white. He never used that phrase; but he had said, that so long as Her Majesty's Government became the persecutors of a creed which he shared with millions of his countrymen, there was no opportunity that occurred by which he might be enabled to wrest from their hands the sceptre of power, that he would not use for that purpose. He had been told he should not have made such a declaration; but there was no small degree of hypocrisy and squeamishness in those who told him so. He would ask if those who went to their clubs and dined, and then came down to that House, could vote as they did without voting that black was white? If the officials on the Treasury bench were asked how and why they voted as they did, their reply was that they could not help it; that they were labouring under a kind of trammel which other people could not understand. Then, if they were asked why they did not get up in the House and speak against this oppression, their reply would be, "I cannot speak—I am labouring under a disease peculiar to the Treasury benches, called lucrative taciturnity." This was pretty much the case with all those officials of the Treasury. The right hon. Gentleman the Member for Drogheda (Sir William Somerville) would not resign his seat, though called upon by his constituents to do so, because he was in trammels; but the Catholics of Drogheda said, he was fighting against the principles on which they returned him, and that because he was Secretary for Ireland he was endeavouring to forge chains for his Catholic fellow-countrymen. There was the hon. Member for Louth (Mr. Bellew), another Member of the Treasury, and what was called a Lord of the Treasury. When he (Mr. Reynolds) heard the noble Lord at the head of the Government pitching the Sardinian affair in their face the other night, who was the noble Lord's most vociferous cheerer? Why, the hon. Member for Louth. Who was the man that most vociferously cried him (Mr. Reynolds) down? The hon. Member for Louth. But there was a numerous band on that (the Conservative) side of the House, who were never charged with voting black was white, and yet they were always voting to put the Government out of office. The distinction between them and himself was, that he was guilty of political petty larceny, while they were guilty of political highway robbery. The magnitude of the offence made the difference. He would tell the promoters of this Bill that a day of reckoning was coming, and though it might put him and others who were called the "Irish Brigade" to inconvenience, they would willingly submit to it for the sake of seeing justice done by the constituencies throughout Ireland upon those representatives who had deserted their cause. He had a piece of information for the Gentlemen on the other side of the House. This Parliament would not last for ever, and they might all expect to be sent about their business in a very short time, and then there would be an appeal to the Irish people. When that time came, the watchword on the hustings would be, "Down with the Whigs!" "Down with the violators of the Act of 1829!" "Down with the men who bring in a Bill to repeal the Emancipation Act!" "Down with the men who put a penalty of 100*l.* on Archbishop Murray if he consecrates a priest, who would try him with a packed jury, and send him, if they found him guilty, to a felons' gaol! Down with those who, forgetting their old professions, were now hallooing on the dogs of war against the ancient creed of the people!" The right hon. and learned Lord Advocate said the Whigs had always been the champions of liberty. He (Mr. Reynolds) did not pretend to be a law lord, or a lord of any kind. [An Hon. MEMBER: You were Lord Mayor of Dublin last year.] He was reminded that he was a lord mayor last year; but, having parted with the honour, and now descended from the peerage to the rank of the commons, he was entitled to say he was no lord. He must say the right hon. and learned Lord Advocate had not read history with much advantage. The Whigs had been in power when the greater part of the penal laws against Catholics were passed, though when they waged war with that intolerant monarch, George III., the party received a sudden enlightenment, and carried on, sometimes, he would admit, under circumstances of self-denial, a long-continued advocacy of Catholic emancipation. But they deserved no credit for that: if they were right, they merited no credit; and if they were wrong, they deserved censure. He hoped he should not be misunderstood, however, for he was ready to admit that they were the principal ingredients in the great party which extorted that measure. But if they were to be thankful to the Whigs, the Whigs should be thankful to them (the Irish Members) in return. Who kept them in power for twenty years? The Irish Brigade. The noble Lord at the head of the Government said the other night that the measure of the Pope was part and parcel of a wide-spread European conspiracy to mar the liberal policy of England at foreign Courts. Now upon this point he had a word or two to say to the noble Lord the Foreign Secretary. What were the facts? Dr. Wiseman was created a Cardinal in 1847, and in September, 1850, he was publicly elevated to the office he now held. He was about to state a fact to which he requested the attention of the House. On the same night on which Dr. Wiseman's elevation to the rank of Cardinal was publicly announced at Rome, it was also publicly announced that the Pope had appointed him Archbishop of Westminster. On that same night the British Consul at Rome, Mr. Freeborn, placed the Royal arms of England over the grand entrance to his mansion, and illuminated his dwelling from the basement to the attic story. The official organ of the Government, the *Globe,* half denied that fact; but it was true, and he would state another, which he defied any one to contradict. The aforesaid British Consul, Mr. Freeborn, on the night in question, clothed in his official costume, accompanied the ambassadors and officers representing foreign Courts at Rome to Cardinal Wiseman's levee, and there helped to celebrate the Cardinal's elevation to the office of Archbishop of Westminster. Mr. Freeborn publicly congratulated Cardinal Wiseman on his elevation; and after that it was said, forsooth, that the Motion of the hon. Member for Stafford (Mr. Urquhart), declaring that Ministers had encouraged the Pope in the course he had taken, was not justifiable. The noble Lord at the head of the Government had ventured to talk of the act of the Pope as being the result of an European conspiracy. No one could doubt that if there had been such a conspiracy, the Roman Catholic bishops of Ireland would have told the Roman Catholic Members, in strict confidence, something about it. Nevertheless, he could pledge his word that until the noble Lord volunteered his curious revelation, no Roman Catholic Member ever heard a word about the conspiracy. On the 28th of last June the House was called upon to express an opinion as to the foreign policy of the Government. Upon that occasion there was a trial of strength between the houses of York and Lancaster. The Government had been beaten on the subject in the House of Lords by a majority of thirty-six; and the noble Lord at the head of the Government announced that if he had not an equal majority in the House of Commons in favour of the policy of the noble Secretary for Foreign Affairs, he should resign office. Upon the division the Government were supported by 310 Members, and they obtained a majority of forty-six, of whom twenty-eight were Roman Catholic Members. Was that a proof of a Catholic conspiracy against the policy of the Government? If the twenty-eight Roman Catholic Members had voted against the noble Lord, he would have been in a minority of ten; and if only fourteen had done so, his majority would have been twenty less than he required. The Motion now before the House was, that Mr. Speaker should leave the Chair; but he hoped that the right hon. Gentleman would not leave the chair for a month. What he meant was to express a hope that Mr. Speaker would not leave the chair to allow the House to go into Committee on this mischievous and ill-advised measure. What injury, he asked, had the Pope's act worked to any human being? It had been in force since October, and who, he wished to know, had been hurt by it? No one. Then look at the other side of the picture. Pass the Bill, and farewell to peace in Ireland. Upon this point he had read many newspaper paragraphs of an insulting and irritating nature to his fellow-countrymen. A few days ago there appeared in the wide-spread columns of the talented *Times*, an article ridiculing what it called the boasting propensities of Irishmen, accusing them of talking about pikes, guns, broken bottles, and brimstone, and winding up with Ballingary. That charge was probably, to some extent, well founded. There had sometimes been a good deal of unnecessary boasting—a great deal of what was called in Dublin "Tara-hill talk." But let not the people of England think the Irish were what they had been represented in the public press. That unhappy movement which took place two years ago was not encouraged by the people, and was in reality put down by the Catholic bishops and priests, and not by the Earl of Clarendon. As for calling it "a rebellion," you might as well give that name to a dunghill cock-fight, though but for the Catholic priests and bishops a great deal of trouble might have been caused. But this Bill of pains and penalties would combine the Irish Catholics as one man; and they had sworn upon the altars of their country, that if it were passed, the Government must, in order to put it in execution, step over the dead bodies of the Catholics of Ireland. When the Government were compelled to double their army and police, to make every village a garrison, to pack juries, and to do everything hostile to a population that could be against them, then John Bull would find to his cost that he would have to put his hand into his pocket to the very elbows to pay the expense. He had heard a great deal on the previous day that sickened him while they were discussing the clauses of the bigoted and intolerant measure introduced by the hon. Member for Bodmin (Mr. Lacy). He was sickened at the thought that ninety-one English Gentlemen should have voted for a measure, one clause of which the hon. Member for Berkshire (Mr. Robert Palmer) declared to be of so gross a nature that no English gentleman holding the commission of the peace would degrade himself by discharging the duties it enjoined; and especially when he found that these were not exclusively Protestant ascendancy men, but included some free-traders, who had been invariably scolding the Irish Members for not being more consistent in support of what they called enlightened principles; and yet they now recorded their votes in favour of an atrocious measure intended to degrade the virgins of his (Mr. Reynolds') creed, who, without fee or reward, had devoted themselves to the exercise of benevolence and charity. These Gentlemen were anxious to emancipate a loaf of bread at the expense of their Irish neighbours, who sacrificed 3,000,000*l.* a year for free trade; and yet some of the greatest brawlers for free trade requited the Catholics of Ireland by voting in favour of the hon. Member for Bodmin's Bill. He thought that, party men as they were, they should not have insulted the ladies; they should have known something better, and they should have allowed their gallantry to get the better of their bigotry. He had merely, in conclusion, to remind the noble Lord—[*Ironical cries of* "Hear!"]—he thanked the free-traders for that ironical cheer—he begged to remind the noble Lord and the Government that they were on the brink of a dangerous precipice, and that if they passed this Bill in its present shape, or in any shape that would interfere with the free action of the Catholic religion in Ireland, they were entering upon a field of strife in which they must come off second best. They were doing that which would embroil the country in discord and disunion for many and many a year. They were doing that which had alienated the feelings of their old and stedfast friends—men who had supported them for no object under Heaven but the purest of all objects, namely, that they thought they were disposed to promote the great principles of civil and religious liberty. He would remind them that the approaching election would confer on the people of Ireland the power of sending 105 Members into that

House; and, as surely as they passed this Bill, they would send into the House at least eighty Members determined to oppose the present Government, or any other Government that pursued the course they had chalked out for themselves, namely, the course of insulting the creed of the people. Let the Government not rely upon squeezable Irish votes. There were certain Irishmen representing liberal Irish constituencies who had given them occasional votes; but let them take care that those men who were grazing on the Bedford Level were not sent by the people of Ireland to less luxuriant grass. Let them take care that they were not sent about their business. The people of Ireland would send there men like himself. ["Hear, hear!"] He repeated, men like him—like him pledged on principle to take every opportunity to weaken the Government, and hurl them from power, or any other Government that attempted to curtail the civil and religious rights of the people of Ireland.

Mr. WHITESIDE said, that he felt considerable diffidence in attempting to address the House in the presence of so many Gentlemen, his superiors in knowledge, in talent, and experience; and had the question been one touching the financial affairs of the empire, he should have left it to be discussed by men skilled in political science, and who stood high in the estimation of the House and of the country. The question, however, which they had then to consider was not one of such a nature. It was one in which the constituency he represented, and the Protestant inhabitants generally of the flourishing province to which he belonged, took a deep interest. The act against which the Bill before the House was directed, had stirred the feelings and roused the indignation of the English people, who were generally governed by calm reason, and seldom yielded to the excitements of prejudice or passion. He deeply regretted that he should be compelled to allude even for a moment to Irish politics or to Irish history; there was little in either to invite or to reward inquiry. Would that he could apply to that history the words of Coke—"Let darkness hide it; let oblivion bury it;" adding from his heart a prayer that a bright and happy future might compensate for the gloom and misery of the past. If he were compelled to advert to it for a short time, let him hope that from the examination of the past might be drawn a profitable lesson as to what ought to be their policy for the future. It should be confessed that the relations of this country and of Ireland towards the Pope of Rome at the present moment were of a peculiar, of an almost unprecedented nature. Very near them was seated in that city a Privy Councillor of the Pope—a member of the Conclave that elected Popes, and one eligible himself to the Popedom, bound by fealty and by an oath of obedience to that Potentate who had heaped on him the highest distinctions which it was in his power to confer, and which the Cardinal had accepted without asking the permission of his lawful Sovereign. The Cardinal Archbishop of Westminster, as he styled himself, said he was a loyal subject of the Queen, whose interests might certainly clash very materially with the interests of the Pope. And what was it that the Pope had said? He had in his Letter Apostolic reminded the English people of the happy days of the Roman Catholic Church, when Jeffries sat on the Bench, and James on the Throne; and he had announced his determination to rescue the Church of England, as far as he could, by the assertion of his power, from the calamities that had befallen it. In the execution of his gracious purpose, he annulled the ancient dioceses of this country; he had partitioned out the kingdom into new dioceses; and he had announced his intention of dividing the provinces hereafter as he might think expedient; while he forbade any impious mortal to impugn his edicts as null and void. The Cardinal had carried out and executed the commands of his master, and had announced to the people of this country that he governed eight counties and some islands, until his master should otherwise determine. Watchful of opportunities, and guided by the Propaganda, Archbishop Wiseman was ready to act as the Papacy might require. That was the condition in which England at present stood. On Ireland the Pope had lavished extraordinary blessings. Unasked, unexpected, uninvited, Archbishop Cullen (of whom he desired to speak personally with respect) had appeared as the Legate of the Pope in the Protestant city of a Protestant province—in the city of Armagh. He said that he was Archbishop of Armagh, and Primate of all Ireland. He claimed that title by virtue of the Brief of the Pope. Dr. Cullen argued that the Protestant Archbishop of Armagh claimed his title only by virtue of the appointment of the Sovereign of England, confirmed by Parliament, and by a usage of 300 years; but he considered that title a usurpation, and he proceeded himself to exercise the functions of the office. A commentator on our ancient statutes had observed that there were two modes by which the Popes of Rome had in former times been in the habit of assailing the realm of England; the one by exciting foreign invasion, and the other by fomenting domestic disturbances; that latter mode being the most efficacious. It was certainly a very remarkable thing in the history of Ireland that when physical force was spoken of or applied, religious controversy ceased; and that when the physical-force man was at rest, the priestly agitator sprang up into activity. What was the ground assigned for the conduct pursued by the legate of the Pope in Ireland? The heads of the Roman Catholic Church in Ireland had found it necessary to interfere with the provincial colleges, on the ground that those colleges were fraught with danger to the faith and morals of Roman Catholic youths. Now, it was of some little importance to discover whether the heads of the Roman Catholic Church believed that to be true, or whether they had put that forward as a mere pretext to cover their attack on the power and the temporal Government of England in Ireland, while they entertained no such belief, and had no ground for entertaining such a belief. A very few words would, he thought, prove that the latter view of the case must be the correct one. Those who were acquainted with the past history of Ireland knew that long prior to the Union the Irish Parliament had been petitioned by the Roman Catholics to throw open to them the colleges, schools, and the University in Ireland. They had very fairly pressed on the Legislature of Ireland the fact, that while it was said they were ignorant, they were debarred from the means of acquiring knowledge. That argument had prevailed; the Roman Catholics had been allowed to enter with their Protestant fellow-subjects on the walks of literature and science; and the University had been thrown open to them, with its honours, instructions, and preferments, save the fellowships and scholarships, which had been founded exclusively for Protestants. In that Protestant University for sixty years the Roman Catholic gentry of Ireland had been educated; there Mr. Sheil had acquired his brilliant attainments; and there many Gentlemen whom he saw around him, and whose talents and acquirements were well known to and appreciated by the House, had received their education. He admitted that they were much more tolerant than if they had been taught elsewhere; for it was impossible to study the noblest productions of antiquity, and to associate with gentlemen and scholars, without a softening of even religious prejudices. The priesthood and the bishops of the Roman Catholic Church had never interfered with that arrangement—the Pope had never interfered with it—and yet in that University there was a school of divinity, and the Protestant religion was the religion of most of the students. But as it was thought and felt that if provincial colleges were established throughout Ireland, it would be be more to the taste and in accordance with the feelings of the Roman Catholics, and that the Roman Catholics themselves would thereby be the more benefited, it was resolved that they should be established. But what took place prior to their establishment? The Government of Sir Robert Peel appointed a Commission in 1845 to inquire into what would be the fittest place in which to establish the university of Ulster. At that time, it was to be observed, the Roman Catholic Primate was Dr. Crolly. The Chairman of the Commission, one of Her Majesty's counsel, the assistant barrister for Mayo, was applied to by him, for the purpose of obtaining information as to what was the feeling entertained with respect to these institutions by the head of the Roman Catholic Church—that is, before there was felt the operation of foreign influence, and the Pope had expressed his wish on the subject. Well, it was in his power to state what had then occurred. The first personage that was examined was the Primate of the Protestant Church, and he expressed his opinion in favour of the establishment of the Provincial College at Armagh. Who then was the second witness? It was the Roman Catholic Primate, and he gave the strongest testimony in favour of the colleges. He pronounced the establishment in Armagh as a circumstance calculated to be most favourable to faith and morals; and he, the Roman Catholic head of the Roman Catholic Church, proposed himself to endow a professorship, and to subscribe out of his small income 1,000*l*. for the benefit of the institution. The report of that Commission had never been published; but he had the evidence of the Roman Catholic Primate beside him, of which he had now stated the substance. Upon the same subject the Roman Catholic bishop in Belfast gave similar testimony. That then was the case with those colleges at the time of the death of Dr. Crolly. He assured them that every step in this transaction required the full attention of the House. Prior to the appointment of the present Primate, the manner of nominating bishops in Ireland had been long fixed and established. The subject was one that had been inquired into in the House of Lords before the Emancipation Bill had been carried. Bishop Doyle had been examined respecting it, and his evidence was to this effect:—

> "Is the power of the Pope to nominate directly either a native or a foreigner to a Roman Catholic bishopric in Ireland, now acknowledged by the Roman Catholic Church in Ireland?—It is acknowledged by us—he has such power.
>
> "Has it, in point of fact, ever been exercised?—It has not, in point of fact, ever been exercised to my knowledge.
>
> "Has any attempt been made to exercise it?—There has not.
>
> "But he has the right?—I conceive he has.
>
> "Who names to the office of dean?—The Pope appoints to the office of dean.
>
> "Have the goodness to inform the Committee in what manner the Roman Catholic bishops are appointed in Ireland?—They are recommended to the Pope by the clergy, or some portion of the clergy, of the vacant diocese, and this recommendation is generally accompanied by one from the metropolitan and suffragans of the province; and upon these recommendations the appointment generally takes place. I should observe that the electors, whoever they may be, elect not one only, but three; however, the person whose name is placed first among the three is, I believe, uniformly appointed by the Pope."

He then informed the Committee as to the mode in which the bishops were appointed. Three names were selected—that is, three persons were elected by the parochial clergy, and the invariable practice was for the Pope to appoint the person who was at the head of the list. On the death of Dr. Crolly, the parochial clergy so selected three names, Dr. Dixon, Dr. O'Hanlon, and Dr. Kieran, the last a gentleman that was highly spoken of; one who had a taste for books, and was of a liberal spirit. The Pope of Rome, on that occasion, rendered the election by the parochial clergy of no avail. He set aside the names of the three clergymen, and appointed Archbishop Cullen. The Pope did that which had never, in any instance, been done previously. The Pope thus destroyed domestic elections by the clergy, and, to increase his own power and influence, he nominated an Italian, in order that he might have power over the Roman Catholics in Ireland to execute his will and that of the Propagando. Dr. Cullen then, uninvited by any human being in Ireland, came to that country in the double character of Archbishop of Armagh, and the legate of the Pope. [*Cries of* "No, no!" *from Roman Catholic Members.*] He said yes, and that when they had Archbishop Cullen in Ireland, and Cardinal Wiseman in Westminster, it was vain to hope that religious peace could be preserved in both countries. Archbishop Cullen, then, under his authority as the Papal legate, convened a synod in Ireland; and when he convened a synod, it was one of that nature, that they found in it bishops sitting in judgment upon the acts of the Legislature, and condemning the law of the land in which they lived; and then, when they found this synod was assembled, let them, he said, observe the manner in which it was held, and the matter of it, because in each stage of the transaction it would be seen that the law of the land had been specifically violated—he admitted to the hon. Member for Athlone, and he was very sorry to say it—by and with the consent of the superior Powers. The House was aware that no Roman Catholic monk or friar could appear as such, in his robes, in the streets or thoroughfares. It was a proper precaution. There was a wise and good reason to forbid that or any Papal procession publicly. The law would neither permit it nor sanction it. He had an account of the opening of the synod—he had an account of the procession previous to its being opened. It was very short and interesting, and he would read it, for two reasons: first, to show under what auspices the procession had taken place; and, next, to show what was the character of the procession itself. As to the law forbidding such processions, there could be no doubt about it, and therefore he would not read the clause in the Act of Parliament. This, then, was the procession:—On the opening of the Synod of Thurles, a well-appointed corps of the Irish police force, in full uniforms, attended as a guard of honour upon the procession of the Romish hierarchy from the college to the cathedral. The police were under the orders of Gore Jones, Esq., R.M., and had a very imposing effect. You may read in the newspapers of that period a detailed account of the procession. You may read the *Freeman's Journal*, the *Tipperary Free Press*, the *Limerick Reporter*, and the *Nenagh Vindicator*. It was thought in Thurles that the synod was sanctioned by the Government, or Mr. Gore Jones and the police would not have attended. The Hon. Mr. French, the police magistrate, from Cashel, was also present, as were many other persons holding places under the Government. However, very few Protestants showed themselves in Thurles during that time. He could quite understand that. And then there was given an account of the decorations of the clergy; of the robes of the Franciscans, and Augustines, and of every other order known in the Roman Catholic Church, with the splendid pageant of the primates and the bishops, with crosses and banners, something like, he supposed, to what he himself had witnessed in St. Peter's; and then it was stated that as the Papal legate passed the people knelt down to receive the Pontificial benediction, and the troops presented arms as the Papal legate passed along, and paid to him the same honours that were due to the Pope himself. And how justly did the leading journal of the Catholic party triumph in such an event as this—there was a boldness and a candour in its avowal which he liked. The Parliament had passed an Act by which the Orangemen of Ireland were forbidden to hold these processions, lest their doing so should be regarded as an insult to the Roman Catholics, although those processions were in honour of that anniversary day which had given liberty to them, and liberty to their fellow-subjects in England. But whilst they were forbidden to do this, yet here was a procession of ecclesiastics in the broad daylight. Had any notice been taken of that? He called upon the Attorney General for Ireland to answer him. In no spirit of discourtesy, and with no feeling of disrespect, he called upon the Attorney General for Ireland, as the head of his profession, as the uncorrupted guardian of the public peace, as the firm asserter of the dignity and power of the law, he called upon the right hon. Gentleman to state now, and in presence of that House, whether in his communications with the stipendiary magistrate, or with the head of the constabulary, he had heard of this procession; whether he deemed it legal; and, if not legal, whether he had asserted the law, and punished the transgressors? He ventured to think that the right hon. Gentleman would not maintain that he had done so; and he ventured to prophesy that he never would do so. So, when they passed from the matter to the manner of the procession, they would find it illegal all through. The gentleman who signed himself "Paul, Primate"—Dr. Cullen, was a gentleman who had been most courteous to himself when he was in Rome, and personally he desired not to say one word disrespectful of him; but that gentleman signed himself Paul, Primate of Ireland. The second name to the document or decree issued by him was signed by John Bishop of Clonfert, the promoter of the synod. The announcement was fairly, freely, distinctly made, that those persons were acting under and by the Papal authority. And here he must say that the hon. Member for Manchester had made a most unfortunate reference to this subject the other night, when he stated that ten of the bishops had been in favour of the provincial colleges, but that there were none now. And why were there none now? Because they no longer had any power—because foreign influence had crushed them. Against their own reason and conscience those bishops had been compelled to condemn colleges which they knew were for the good of Ireland. He had hoped that the University of Dublin and the schools throughout the country might have been spared; but no, in the same spirit in which the provincial colleges were condemned, every other school and university was condemned—every place of education where Protestants might meet their Roman Catholic fellow-countrymen, and enjoy the blessings of mixed education—all were condemned. [*Cries of* "No, no!"] With great respect it was so, and he referred to the words of the bishops in synod on the subject:—

> "The solemn warning which we address to you against the dangers of those collegiate institutions extends, of course, to every similar establishment known to be replete with danger to the faith and morals of your children—to every school in which the doctrines and practices of your Church are impugned, and the legitimate authority of your pastors set at nought."

The University of Dublin would come under this denunciation. It was established for Protestants; the Protestant religion was daily taught there, and its practices were enforced. If then this was now denounced, which had previously been approved of, it would baffle the intellect to discover how the Protestant colleges should have provoked indignation, if that indignation was sincere, unless it was actuated, as he suspected it was, by a wish to revenge upon England her recent transactions in Italy. But the synod did not confine itself to this duty alone. It told the people how the rich ought to be dealt with, that is, if there was any rich still to be found in Ireland. It held them up as tyrants to the people; and the conclusion of the sentence pronounced upon them, he was sorry to find coming from Christian heads of a Christian Church. The synod described the rich, and then applied to them words taken from the Scriptures :—

> "The desolating track of the exterminator is to be traced in too many parts of the country—in those levelled cottages and roofless abodes whence so many virtuous and industrious families have been torn by brute force, without distinction of age or sex, sickness or health, and flung upon the highway to perish in the extremity of want. But let not the oppressor and the wrong-doer imagine that the arm of the Lord is shortened in Israel. For 'He will not accept any person against a poor man, and He will hear the prayer of him that is wronged. He will not despise the prayers of the fatherless, nor the widow, when she poureth forth her complaint. Do not the widow's tears run down her cheeks, and her cry against him that causeth them to fall? For from the cheek they go up even to heaven, and the Lord that heareth will not be delighted with them'—(Eccles., chap. xxxv., v. 16, 17, 18, 19). And again, 'Do not violence to the poor man, because he is poor, and do not oppress the needy in the gate. Because the Lord will judge his cause, and will afflict them that have afflicted his soul'—(Proverbs, chap. xxii., v. 22, 23). Hence the woes pronounced by St. James against the perpetrators of such cruelties. 'Go now, ye rich men, weep and howl in your miseries which shall come upon you. Your riches are corrupted, and your garments are motheaten. Your gold and silver is cankered, and the rust of them shall be for a testimony against you. and shall eat your flesh like fire. You have stored up for yourselves wrath against the last days. Behold the hire of the labourers who have reaped down your fields, which by fraud has been kept back by you, crieth, and the cry of them hath entered into the ears of the Lord of Sabaoth. You have feasted upon earth, and in righteousness you have nourished your hearts in the days of slaughter'—(St. James, chap. v., v. 1, 2, 3, 4, 5)."

It was well known what commentary had been pronounced upon these passages by the Lord Lieutenant of Ireland. But let them look upon that criticism as just or unjust, he would ask if this was becoming conduct in a spiritual synod, assembled for purposes that were purely spiritual ?—if, having described the misery of the poor, and their extermination in their native country, there ought not to have been an admission made as to the condition of the gentry of the south and west of Ireland, and how their last shilling had been taken from them, under the pressure of a poor-law which it was impossible for them to bear? When this was said, ought not the admission to be made, if they intended to speak the truth, that the poor were not utterly neglected—that in the city of Armagh, with which he was better acquainted than his Grace himself, there were no better institutions to be found in any place throughout England for the maintenance of the poor? This, then, was the matter and the manner in which the Synod of Thurles was conducted. That it was illegal, who denied? Nobody denied it. It was as the Pope's bishops this declaration was signed; it was as the delegates of the Pope they acted, and their act was illegal —they signed the decree of the Synod, assembled under the edict of the Pope, and in so doing they acted illegally. He said, that if the legal evidence was as strong as the moral conviction as to what had been done, then there had been a clear and open violation of the law. Well, then, what notice of all these proceedings had been taken by the higher authorities in the country? None whatever. He could perfectly well understand and believe that Archbishop Cullen, having passed all his life in a despotic country—having seen there the Papal legate the supreme authority in the State, and that all bowed down with the greatest deference and respect before him who exercised it, thought that the same authority could in Ireland be exercised in a similar manner, and with a like effect, as in Rome. He had voted the other night in support of a proposition to which reference had been made by the hon. Gentleman who had last spoken. He had voted for that proposition on account of four or five facts which had come under his own observation, and to which he desired to attract the notice of the House. It was with the utmost pain that he referred to this subject; but as he voted for what he believed to be the truth, he must trouble the House now, as he did not mean again to refer to it, to state his reasons for the vote he then gave. And with reference to this point, he must say that there was a good deal of truth in what the hon. and learned Member for Athlone had said. On the day that Lord Clarendon arrived in Ireland the Catholic Emancipation Act was in force—that Act which declared Roman Catholic bishops should not assume the territorial titles attaching to Protestant sees. That Act was one of which the Roman Catholic bishops themselves had declared their approbation; he had before him their pastoral address, issued after the Act was passed, declaring their gratitude for it with throbbing hearts, and calling on the people of Ireland to respect the enlightened Parliament which passed that law—they declared, too, that they would obey the law, which they regarded as a pledge of tranquillity for the future; and, to show their sincerity, they signed the document in which they made that declaration in that manner which the law permitted them to do. The same law which existed then existed now, and the same rights which they had then they had now, and none other. If he remembered rightly, when he was in the university, he paid his shilling to go and hear the late Master of the Mint (Mr. Sheil) express, in a burst of enthusiastic eloquence, the gratitude which the Roman Catholic laity felt for the passing of the measure of emancipation. By that law, then, it was clear that the Roman Catholic Primate had no right to the title he assumed. The law being clear, then, with respect to the forbidden titles, one would have imagined that the upholders of the law in that country would have paid implicit respect to it themselves, and seen that it was enforced by others. Had the Executive Government done so? Now, when Lord Clarendon arrived in Ireland, he was received by the Protestants of the north most cordially; he was so received as the representative of their gracious and beloved Queen; his manners were prepossessing, his language was fascinating, and there was everything to recommend him to the public favour. But what was Lord Clarendon's conduct as connected with these transactions? The Roman Catholic bishops addressed him shortly after his arrival in 1847. For several days before his elaborate and eloquent reply to that address, a copy of it was placed before him. That address he saw signed by "John, Archbishop of Tuam," and "John Derry, Bishop of Clonfert" — the same Bishop of Clonfert who signed the document, and proclaimed the command of the synod. Was that a legal proceeding? It might be supposed to be an unintentional infringement of the law—the signature "John, Archbishop of Tuam." It might be suggested, that there being no Protestant Archbishop of Tuam, the Catholic prelate might legally take the title; but that was a mistake. The words of the Act of Parliament were, not only that they were not to take a title belonging to another, but that they are not to take any title unless by law authorised to do so. How then comes the individual so signing himself to be "Archbishop of Tuam?" As to the "Bishop of Clonfert," it was a title that was manifestly and indisputably illegal. Of course he who was responsible to the country for the observance of law and order might have been expected to correct that illegal assumption of titles; but what would be thought when it was known that for five days Lord Clarendon had that address before him; and, not noticing this illegal assumption, he gave to them those titles which they had so long coveted, and towards which they had been making encroachments, and were preparing to make further, for Lord Clarendon styled them "my lords," and "your grace," thanked them for their address, and hoped he should be aided by the counsels of "their Lordships" in managing the affairs of Ireland? What, then, must have been the opinions of these persons on seeing that document? What must have been the opinion of those persons when this reply was made to them, but that they were at liberty to use—not by usurpation, but by favour of the Crown, as represented in Ireland by Lord Clarendon—those titles which the letter and spirit of the law, and the penalties of the law, forbade them to use? From that time forth the Roman Catholic bishops had steadily and regularly pursued the same course. If, when he saw the address presented, signed, "John, Archbishop of Tuam," Lord Clarendon had consulted the first law officer of the Crown in Ireland, he would have told him that the assumption was clearly illegal; and then he should have told the Catholic bishops, that, while he would receive them courteously, and listen to them respectfully, because they were entitled to be courteously received and respectfully listened to, as the bishops of a great portion of the people of Ireland, he would not sanction their violation of the law, and an open breach of an Act of Parliament. Had the matter remained there, it would have been bad enough. This was not all. A few days afterwards Lord Clarendon's secretary undertook to explain the Charitable Bequests Act, and in so doing gave to the bishops jurisdiction and titles to which they had no claim. Lord Clarendon also addressed a letter to the Secretary of the Colonies (Earl Grey), stating that the Act of Parliament (the Bequests Act) had ascertained the rank of the Roman Catholic prelates, and advising that it should be given to them in the Colonies, thus bringing confusion into the Colonies by the Roman Catholic prelates claiming rank superior to that of the bishops of the Church of England. It was afterwards admitted that this was wrong, and the blame was cast by the noble Lord at the head of the Colonies on Lord Clarendon. There was then the *Gazette*, specifying the rank of distinguished persons at the levee when Her Majesty visited Ireland; and rank was then given to the Roman Catholic archbishops above the peerage of the realm. There were two speeches which had been delivered in the course of the discussions on the Ecclesiastical Titles Bill, the one by the hon. Member for Manchester (Mr. Bright), and the other by the hon. and learned Member for Athlone, on which he wished before concluding to make a few remarks. As to the speech of the hon. Member for Manchester (Mr. Bright), he should have wished to say a few words in reply, but he believed it would not be according to the usages of the House to do so, as the hon. Member was not then in his place. He should have wished to say a word in defence of that Church which the hon. Member had so unsparingly assailed; and he confessed it was with as much astonishment as regret he had heard that hon. Gentleman so violently attack a Church in which a great majority of his fellow-countrymen believed, and which was enshrined in the hearts and affections of so many. He had been astonished too to hear the hon. Gentleman, who was such an asserter of popular rights, ridiculing the public meetings which had taken place in various parts of England, and asserting that Parliament ought not to yield to a popular cry. Such was the sentiment of one of the most distinguished champions of the people, and he was astonished at him. The speech of the hon. and learned Gentleman the Member for Athlone had filled him, he must confess, with regret. If the hon. Gentleman had appealed to the Parliament's sense of justice, he should have heard him with pleasure; but he did not expect that in a British House of Commons the hon. Gentleman would have appealed to any sentiment of fear, except the fear of doing injustice. If the hon. Gentleman was in earnest in saying that he would insure this country twenty years of angry agitation in Ireland— [Mr. KEOGH: I said no such thing.] He certainly understood the hon. Gentleman to say that he would draw the sword and never sheathe it until he had obtained vengeance over the oppressors, and that the people of Ireland would agree with him in that sentiment. He denied both the hon. Gentleman's facts and his inferences. The Protestant people of Ireland, in number at least 2,500,000 — [*Cries of* "Oh!" *from the Roman Catholic benches.*] Yes. When Sir Robert Peel proposed the measure of Roman Catholic Emancipation he said there were 1,200,000 Protestants in Ulster alone. Now, it was sometimes alleged that Connaught was nearly desolate and waste. Thus, when it was desired by those who agreed with the hon. Member for Athlone to intimidate Parliament, it was said that they, the Irish Catholics, were 8,000,000; but when it was thought necessary to attack the Imperial Legislation, then it was represented that Ireland had lost 2,000,000 of her population. If, as the hon. Gentleman had asserted, it were true, as he hoped it was not true, that the Roman Catholic people of Ireland would, because the ancient law of the land was asserted, depriving them of no right, combine against England, then he (Mr. Whiteside) must say on the part of the Protestant people of that country, that in heart, affection, and action, they would be with this country. In all periods of their history they have adhered to this country. They imitate your industry, they admire your virtue, they profess your faith, and love your laws; and if you be true to them, and just to yourselves, they would rather perish with you than abandon you. As to myself, I cling to the hope of the prosperity of the whole body of the people; and, according to my political faith, a consummation so glorious would be accomplished if all classes of my countrymen would permit themselves to be directed by your counsels, guided by your wisdom, and inspired by your example.

MR. KEOGH begged to offer a word in explanation. What he had said had been misunderstood. He had not threatened the House or the Government with going on with an agitation for twenty years. What he did say was, that he deprecated any proceeding which would have a tendency to inflict on the country an agitation to which no one would be more opposed than himself. With respect to the drawing of the sword, the noble Lord at the head of the Government had put a more just meaning upon the phrase when he ascribed it to a metaphorical style.

MR. LAWLESS said, in consequence of the speech of the hon. and learned Gentleman (Mr. Whiteside), whom they had just heard, it became necessary that some answer should be given to his statements, and particularly on account of his attack on the right hon. and learned Gentleman the Attorney General for Ireland. He therefore moved that the debate be adjourned.

Mr. MOORE said, he entirely agreed in the Motion made by his hon. Friend (Mr. Lawless); and after the attack made upon the religion—he might say the country—by the hon. and learned Gentleman (Mr. Whiteside), a reason was furnished why an opportunity should be afforded to others to reply to a speech the virulence of which had been only equalled by its miserable failure. Ireland was avenged that night in the person of the hon. and learned Gentleman; and that reputation which he had achieved in defending the liberties of his country was utterly lost that night. [*Loud cries of* "Oh, oh!" "Divide, divide!"] He could assure hon. Gentlemen that they would not gain any time by the course they were pursuing; but he would state— ["Oh, oh!"] Until hon. Gentlemen gave him a few minutes hearing he would persevere in addressing the House. There was another reason why he should wish the debate to be adjourned; for the hon. and learned Gentleman (Mr. Whiteside) had not only impugned the prelates of the Roman Catholic religion, but also the prelates of his own. The hon. and learned Gentleman had told them that the national system of education was founded on right and justice. He would ask what the hon. Baronet the Member for the University of Oxford (Sir Robert Inglis) or the hon. and learned Member for the University of Dublin (Mr. Napier) would say to that? The only point the hon. and learned Gentleman had made was that stale joke about the right hon. and learned Attorney General for Ireland, and he thought that right hon. and learned Gentleman ought to have an opportunity of explaining himself.

Lord JOHN RUSSELL said, he should have been quite willing to agree to the adjournment, but that that was the thirteenth night of the debate; and he was more especially opposed to it when he considered the mode in which petitions had been presented that night to the House. He would, therefore, take the sense of the House on the question of adjournment.

Mr. REYNOLDS, who rose amid loud cries of "Spoke!" and "Divide!" said, as the noble Lord at the head of the Government has assigned as one of the reasons for not consenting to an adjournment, the mode in which petitions were presented to-night, I beg to say, Sir, this cap fits me, and I wear it. Now, permit me to ask the noble Lord in sober seriousness, if he, bearing in mind the rule preventing Members from reading petitions, and tying them up to a certain form in presenting the same— [*Loud cries of* "Oh, oh!" *and* "Divide!"] Hon. Members may take their time—I will take mine. The few words I have to address to the House will occupy much less time than the interruption. I beg to remind the House— [*Cries of* "Divide!"] they will not divide until I have done. I am under the protection of the Chair; and, Sir, under your protection, I claim the right of speaking. The noble Lord refuses to agree to the adjournment of the debate, and he assigns as a reason the mode in which petitions were presented to-night. I have already said that cap fits me, and I wear it. The petitions which I presented emanated from twenty-two localities where meetings were held in the chapels on last Sunday. On that occasion 1,500 simultaneous meetings were held in the chapels in Ireland. We have instructions from those who feel aggrieved by the Bill before the House not to present those petitions in the lump for the accommodation of the noble Lord; and I will assert the right of the House to read the title of all petitions I may present—I will state their prayer, the number of persons who have signed the same, or such other particulars as the forms of the House will permit; and I will make no apology to the noble Lord for the exercise of that privilege. In conclusion, I give the noble Lord notice that there are still many hon. Members who will discuss the question before Mr. Speaker leaves the chair. I consequently shall vote for the adjournment.

Mr. O'FLAHERTY said, the noble Lord at the head of the Government had accused an hon. Member of having presented petitions in an unbecoming manner. Now, he believed, that if anything irregular or unbecoming was done, it would be the duty of Mr. Speaker, not the noble Lord, to correct it. For his own part, he was determined to present all the petitions intrusted to him, according to the rules of that House.

Motion made, and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 46; Noes 359: Majority 313.

Question again proposed.

Mr. R. M. FOX said, that he, as a Protestant, was anxious to have an opportunity of stating his opinions on new matter which had been introduced into the debate, and particularly on the attack made on the Roman Catholic hierarchy of Ireland; and, therefore, he should move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

Lord JOHN RUSSELL said, that if hon. Gentlemen were really anxious to address the House, on new matter which they conceived had been introduced in the course of the debate, he could understand the desire for an adjournment for that purpose. And if that, and not mere delay, was the object, he would not oppose that desire, but consent to the adjournment of the debate.

Motion, by leave, withdrawn.

Debate *further adjourned* till *To-morrow.*

Notice taken that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, May 16, 1851.

Minutes.] Public Bill.—1ª Salmon Fisheries (Scotland).

RAILWAY FROM HALIFAX TO QUEBEC—THE LEGISLATURE OF NEW BRUNSWICK.

Lord STANLEY rose, pursuant to notice, to put a question to the noble Earl the Secretary for the Colonies in reference to recent proceedings in the Legislature of New Brunswick respecting the proposed railway from Halifax to Quebec. A project had, it seemed, been formed in Canada, New Brunswick, and Nova Scotia, for the construction of a line of railway, which would greatly develop the resources of those colonies; but the authorities at the Colonial Office in this country had refused to accede to the terms demanded by the promoters of that project, and had offered terms of a somewhat different character. To those latter terms the Legislatures of Canada and Nova Scotia had shown a disposition to accede; but they had been rejected by the Legislature of New Brunswick. Now, it further appeared, that a project, which might be considered to some extent as one of a competing character, had been formed in the United States for the construction of a gigantic line, 2,000 miles in length, from Lake Superior to the Pacific. He believed there could be no doubt that a Bill for the construction of such a line would at an early period be adopted by the United States Legislature. The result would be to give a vast development to the resources of the United States, and at the same time to turn the tide of emigration completely from our own Colonies, unless the proposed line in those Colonies should be constructed. He wished to ask the noble Earl the Secretary for the Colonies whether he had any objection to lay before the House any information he might have received with regard to the resolutions adopted by the Legislature of New Brunswick upon this subject; and whether, if the proposal of Her Majesty's Government had been rejected by the Legislature of that Colony, Her Majesty's Government were prepared to take any further steps for the purpose of meeting their views and promoting the undertaking?

Earl GREY said, he had no objection to give the information asked for by the noble Lord to the best of his power; but the information he had as yet received was very imperfect. It was true that the Legislature of New Brunswick had decided against the proposition regarding the establishment of railway communication for the North American Colonies which the Government had sent out for its considerarion; but he did not think their decision against the proposition was deliberate, because it was arrived at hurriedly at the close of the Session, and after a very imperfect examination and understanding of the real nature of the proposal submitted to them. In the present state of affairs, therefore, and without further communication on the subject, he was not yet in a situation to say that anything could positively be decided upon by the Government. With respect to the applications of private companies, proposing to construct the railway, the course he had always pursued was to decline to entertain the project of any company which did not come to him with some authority from the Provincial Governments. That he thought the only safe principle to proceed upon, and he saw no reason to depart from it for the future. He could only state that as yet no really substantial and responsible company had come forward to undertake the formation of the lines referred to. One company only had appeared in the matter; but the Provincial Governments, both of Canada and Nova Scotia, had declined to entertain their proposals, believing that they could not be able to raise the necessary funds. Her Majesty's Government took the deepest interest in the question of railway communication for the North American Colonies, and they could not regard what had taken place in New Brunswick as any proof that their proposition had been finally rejected. Of course, however, if the three provinces of Canada, Nova Scotia, and New Brunswick could agree to some other plan, which the Government could recommend Parliament to adopt, he could only say it should receive the fullest consideration; but in the present condition of the question he could not say anything further.

LORD MONTEAGLE said, he had heard with much pleasure the statement of his noble Friend, that they might yet hope to see that matter satisfactorily settled. He (Lord Monteagle) could not but express the regret he felt when he found his noble Friend had given up the occuaption of the land when it had been offered to him. The whole question of the legislation for these North American railways, involving as it did the connection between them and the mother country, as well as the improvement of 13,000,000 of acres of land, was one of great importance; and he hoped his noble Friend would suspend any final proceedings on the matter until the opinion of the three Colonies should have been obtained. He wished to know whether any steps had been taken with respect to the Railway Bills of last year?

EARL GREY said, he had considered that it would have been much better to have the land under the management of a local government than of the British. With respect to the acts referred to, they had been only received two or three days, and no steps had yet been taken about them.

LORD STANLEY wished to know, with reference to the company to which the noble Lord had referred, whether there would be any objection to lay on the table the communications which had passed between them and the Government?

EARL GREY said, if the noble Lord wished to move for them, they would be produced.

THE SHIPPING INTEREST.

The MARQUESS of LONDONDERRY said, he had to present to their Lordships an important petition, signed by 400 shipowners of the North of England and the port of Shields, stating the large capital they had employed in the shipping trade, and especially in the carrying trade of the northern coal, in which they employed between two and three thousand seamen. (*Minutes of Proceedings*, 55.) They complained, in the first instance, that the alteration in the navigation laws had created severe depression in their home and foreign trade. In the home trade, however, and especially in sea-borne coals, they did not fear any competition, provided the Legislature would place their interest on a just and equitable footing. But there existed a very prejudicial interference by the directors of railways along the coast running to towns where traffic had been carried on hitherto by the coasting vessels, but which could no longer sustain a contest with the railways. The directors charged extremely high rates of toll where they had no competition, and extremely low ones on the same kind of traffic where they had to compete with the shipowners. It was quite evident that, if no measures could be adopted to arrest this prejudice to the carrying shipping trade of the north, this great nursery of seamen would infallibly dwindle away. In the early age of railways, he remembered predicting in that House—and he thought he had a right to claim credit for having done so—that, without some specific laws, the time would arrive when railroads, even at great distances, would knock up our mercantile marine as to sea-borne coals. This prediction, he remembered, was ridiculed at the moment; but the time was fast approaching when his words would be fulfilled, and unless the Legislature interfered, the shipowners in the north would be speedily and irremediably ruined. With regard to the immediate object of the present complaint, it was especially against the Great Northern Railway. That company had obtained liberty to charge higher tolls, and they exercised this right most unjustly. They had entered into arrangements with the Yorkshire collieries, and refused to furnish facilities except to favoured parties, which amounted to prohibition. It was not that there was, in his opinion, even now, the smallest danger of any inland coals carried by railway competing with the sea-borne coal by the northern ships, if the latter were fairly dealt with; but their Lordships would observe, that sea-borne coals were subject to heavy charges for lights and municipal dues, from which inland coals carried by railway were free. Certainly, in London (owing to the exertions of Sir Robert Peel), and within 20 miles round the city, the city dues had been equalised; but still the sea-borne coal was subject to other heavy charges from which inland coal was exempt. The railways now charged on their traffic upon their lines to London, several shillings a ton more dues to places 30 or 40 miles north of London, than they did to London itself. Surely, then, there ought to be some scale of proportionate uniform charge, regulated upon principles of fairness and justice. Admitting, to the fullest extent, the importance of cheap fuel, it was unwise and impolitic unfairly to tax the best article, as it was impolitic to break up, by permitting such proceedings, their mercantile marine of the north. The petitioners further hoped that, as seamen were employed for the national safety, they would not be sacrificed to the treachery of railway directors.

The EARL of HARDWICKE rose, not so much to support the prayer of the petition, as to congratulate the noble Marquess that his opinions on the subject of the navigation laws appeared to have undergone some change.

The MARQUESS of LONDONDERRY: I beg to say that there never was a more mistaken idea. I voted against the change in the navigation laws, and I have seen no reason to believe that in doing so I acted unwisely.

The EARL of HARDWICKE was delighted to find that he had misapprehended the noble Marquess. He feared that his noble Friend was beginning to look with favour on free-trade; but he was delighted to find that this was an erroneous supposition, and that the noble Marquess was still a faithful Protectionist. For his own part, he did not think that the matter referred to in the petition was one which came immediately within the influence of the navigation laws. He would not weary their Lordships by entering into the details of the question; but he might be permitted to observe, that, in his opinion, the petitioners would not be so seriously damaged by railways as they appeared to apprehend, because the science of the application of steam to the movement of floating bodies, would eventually enable them to compete with railways on very favourable terms. By the joint operation of sails and screw propellers, coasting vessels would soon be enabled to carry on their trade upon a system which would enable their owners to regard without alarm the competition of railways. Vessels were already in progress of construction which would make the voyage between London and Newcastle and back again in four or five days, and that would be a feat which he believed no railway would be able to outstrip; and as the vessels would be freighted with fuel, the cost of the steam would be very cheap.

LORD BEAUMONT said, that the complaint of the petitioners was, that the Great Northern Railway Company had obtained power to construct the railway upon condition of establishing a very low scale of tolls; but after their Bill was passed, they came again to Parliament, and obtained leave to increase the amount of tolls. The use they had made of this power was to impose a low scale of charges upon coals conveyed all the way to London, because in London they had to compete with sea-borne coal; but they had established high rates for the conveyance of coal to intermediate places, which were at such a distance from the sea that the company had no competition to encounter; and the petitioners prayed that charges proportionate to the distance might be enforced. That, he thought, was a very fair subject for consideration, though he did not pronounce any opinion on the matter.

The DUKE of BUCCLEUCH could say from his own experience, and as one who suffered considerably, that it always had been the case that the long traffic was reduced at the expense of the short traffic.

EARL GRANVILLE said, this was a question of some difficulty. He apprehended that the effect of the course recommended by the petitioners would be to lower the tolls on the conveyance of coals for short distances; but to raise the tolls for long distances, as, for instance, on the transport of coals from Yorkshire to London. It was, however, quite obvious that the railway companies might not be able to supply villages, where there was a small consumption of coal, at the same rate at which they supplied towns, where there was a large consumption, and he thought a great deal might be said against any alteration of the law.

LORD REDESDALE said, that any difficulty which might exist as to considering the question on both sides arose from the fact that the City duty was levied on seaborne coal, and not on other coal.

Earl GRANVILLE said, the noble Lord was mistaken, as the duty was as much upon inland coal as upon seaborne.

House adjourned till Monday next.

HOUSE OF COMMONS,

Friday, May 16, 1851.

Minutes.] Public Bills. — 1° Gunpowder Stores (Liverpool) Exemption Repeal.
2° Coalwhippers (Port of London).

ILL-TREATMENT OF A NATIVE AT CAPE COAST.

Sir EDWARD BUXTON said, that he wished to put a question to the hon. Under Secretary for the Colonies, with respect to an occurrence at Cape Coast Castle, on the coast of Africa. In 1847, a native named Robert Erskine (aged 21 or 22), who was in the service of Captain Murray, an officer stationed there, was suspected of having stolen from him some golden ornaments, and he was in consequence most cruelly and inhumanly tortured by Captain Murray and by another officer named Captain Stewart, for eleven days, so that, according to the statement of the acting Governor his life was in danger, and he had been in the hospital for six weeks in consequence of the treatment he had received. After all, the stolen articles were found in the great coat-pocket of a soldier, who pleaded guilty to the theft, and Robert Erskine was acquitted. He wished to know whether any, and if so what, proceedings had been taken against Messrs. Murray and Stewart; and, secondly, what compensation, if any, the Government were prepared to give to Robert Erskine, for the sufferings he had undergone?

Mr. HAWES said, that as a statement of the facts of this case had been for some time on the table of the House, he was sorry that the hon. Member should have gone into this matter so imperfectly; of course it was out of his (Mr. Hawes's) power to go into a detailed explanation of an affair that occurred so long ago. The main facts of the case, however, were these: the alleged offence against the boy, Robert Erskine, was committed in 1847, while he was in the service of an officer serving then. As he was at the time in private service, he had of course his remedy, if he chose to take it, before one of the courts of law; but no indictment was preferred, and the officer charged left the colony. Nearly two years afterwards, the case was brought before the noble Lord the Secretary for the Colonies, who ordered an inquiry on the spot; and in consequence of the opinions transmitted from Cape Coast Castle, the papers relating to the conduct of these officers were laid before the Commander-in-Chief. Upon consulting the law officers of the Crown and the Judge Advocate, it was found that they could not be indicted in this country for any offences they might have committed, but that they must be indicted before the courts in the colony. In the meantime the officers had gone to other parts of the world, and the case having occurred nearly four years ago, so that, under these circumstances, the question of the punishment of these officers rested entirely in the hands of the Commander-in-Chief, as it was not a matter in which the Secretary for the Colonies had any control. As to compensation, it was quite clear that, inasmuch as the boy was in private service when the offence was committed, by an individual not holding office under the Colonial Government, compensation could not be awarded by Government, but must be sought by legal proceedings instituted by the party injured, in the courts of the colony.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (FOURTH NIGHT).

Order read, for resuming Adjourned Debate on Question [9th May],—Debate *resumed.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. REYNOLDS said, I beg to move that the House, at its rising, do adjourn till Monday.

Mr. SPEAKER: The Order of the Day must be disposed of before that Motion can be put.

Mr. REYNOLDS: Then, Sir, I beg leave to move the adjournment of the debate.

Mr. SPEAKER: The hon. Member cannot move that, he having already spoken.

Question put.

The House divided:—Ayes 116; Noes 35: Majority 81.

List of the Ayes.

Arkwright, G.
Ashley, Lord
Bailey, J.
Bankes, G.
Bass, M. T.
Benbow, J.
Bernard, Visct.
Booth, Sir R. G.

Bremridge, R.
Brockman, E. D.
Brooke, Lord
Brotherton, J.
Brown, W.
Bruce, C. L. C.
Bunbury, W. M.
Carew, W. H. P.
Chandos, Marq. of
Chaplin, W. J.
Christopher, R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Conolly, T.
Dalrymple, J.
Dick, Q.
Disraeli, B.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncuft, J.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
Ebrington, Visct.
Elliott, hon. J. E.
Evans, Sir De L.
Evans, J.
Ewart, W.
Farnham, E. B.
Fergus, J.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Forster, M.
Fuller, A. E.
Gilpin, Col.
Glyn, G. C.
Gordon, Adm.
Grey, rt. hon. Sir G.
Grogan, E.
Guest, Sir J.
Gwyn, H.
Hall, Sir B.
Hamilton, G. A.
Harris, R.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Heywood, J.
Hornby, J.
Hotham, Lord
Howard, hon. C. W. G.
Hudson, G.
Inglis, Sir H. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Labouchere, rt. hon. H.
Lacy, H. C.
Lewis, rt. hon. Sir T. F.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Martin, J.
Maunsell, T. P.
Mullings, J. R.
Mundy, W.
Napier, J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Packe, C. W.
Paget, Lord A.
Pakington, Sir J.
Peto, S. M.
Philips, Sir G. R.
Rawdon, Col.
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Russell, Lord J.
Sandars, G.
Smollett, A.
Spooner, R.
Stanley, hon. E. H.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, H.
Thompson, Col.
Thornely, T.
Traill, G.
Tyler, Sir G.
Verney, Sir H.
Vesey, hon. T.
Waddington H. S.
Walpole, S. H.
Walsh, Sir J. B.
Williams, J.
Williams, W.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hawes, B.

List of the NOES.

Armstrong, Sir A.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Bright, J.
Castlereagh, Visct.
Cobden, R.
Colebrooke, Sir T. E.
Dawson, hon. T. V.
Devereux, J. T.
Duncombe, T.
Ellis, J.
Fagan, J.
Fortescue, C.
French, F.
Gibson, rt. hon. T. M.
Graham, rt. hon. Sir J.
Hume, J.
Keogh, W.
Kildare, Marq. of
Lawless, hon. C.
Lushington, C.
Magan, W. H.
Meagher, T.
Morgan, H. K. G.
O'Connor, F.
O'Flaherty, A.
Pechell, Sir G. B.
Power, Dr.
Power, N.
Sadleir, J.
Scully, F.
Somers, J. P.
Sullivan, M.
Wall, C. B.
Walmsley, Sir J.

TELLERS.

Reynolds, J.
Moore, G. H.

House in Committee; Mr. Bernal in the Chair.

On the Question, "That the Preamble be postponed,"

MR. KEOGH said, he rose, pursuant to notice, to move that the preamble of the Bill be taken first. He trusted that the noble Lord at the head of the Government would not put the House to the trouble of dividing, or of discussing this question. He had put a question to the noble Lord on the previous day as to whether there was any understanding or agreement existing between him and the hon. and learned Member for Midhurst (Mr. Walpole), in reference to the Amendments proposed to be made by the latter hon. and learned Gentleman in Committee upon the Bill; and, if so, whether, in consequence of any such agreement or understanding, the Government, or the hon. and learned Member, had in any respect altered their views in reference to those clauses of which the hon. and learned Member had given notice. The noble Lord had then answered his question by saying that he would explain his views upon going into Committee. The House would recollect that the Bill upon which the House had agreed to go into Committee was not the Bill, nor like the Bill, nor anything approaching to the Bill, which the noble Lord meant to stand or fall by; nor was it one which any party or section there would venture to propose to become the law of the land. The noble Lord had had, no doubt, overwhelming majorities upon this Bill, which had, however, decreased upon the present occasion: whereas the noble Lord had on former occasions boasted of his majority of 400, it was now reduced to 80. The noble Lord knew very well that these majorities were not composed of persons who entirely assented to the propriety of the Bill which he had laid upon the table of the House, nor were they prepared to support the Bill as the noble Lord proposed to alter it in Committee. Therefore, at that moment, there was a Bill before the House which the Government had themselves withdrawn, for there was scarcely one line in it which the Government were prepared to stand by. He therefore put it to the noble Lord whether it would not be just and proper to reprint the Bill in that particular form in which he wished it to stand for discussion. He did not make the proposition for the purpose of creating any unnecessary delay; but he thought it but fair and just that the Members of that House and their constituents should know what the actual proposition of the Government was by which they intended to abide. It was quite impossible that they could go on discussing this Bill until it was reprinted; and he therefore asked the noble Lord to state what alterations he meant to propose, in order that the Bill might be reprinted, and that no discussion should be taken until the measure was placed before them in a proper form for their consideration.

LORD JOHN RUSSELL: I think it is impossible for me to accede to the proposion of the hon. and learned Gentleman. It is a very long time ago since my right hon. Friend the Secretary of State for the Home Department explained the alterations we proposed to make in the Bill. It is now about six weeks or two months since the House was made fully aware of the nature of those alterations. With respect to any other alteration that may be proposed, the opinion of the Government will, in some degree, depend on what takes place on the discussion of this question. The hon. and learned Gentleman wishes to be informed as to whether any agreement or understanding has been come to by the Government with the hon. and learned Member for Midhurst (Mr. Walpole), and I have no hesitation in telling the hon. and learned Gentleman that I desired my hon. and learned Friend the Attorney General, who has a personal acquaintance with the hon. and learned Gentleman the Member for Midhurst, to endeavour to ascertain from him what course he would take with regard to the Amendments he meant to propose, and to state to him the objections which either he or the Government entertain to those clauses. I think I was pursuing a course not only perfectly justifiable, but which is pursued by persons who agree in the main objects of a Bill, and the consequence of which might be that we should agree as to the provisions of that Bill. I should be very glad if the result of that direction of mine to my hon. and learned Friend the Attorney General had been an agreement or understanding with the hon. and learned Gentleman the Member for Midhurst. I cannot say it is so. The hon. and learned Attorney General had stated the objections we entertain to several of the Amendments the hon and learned Gentleman (Mr. Walpole) intends to move; but anything that may result from the agreement, must be a matter for discussion in the Committee on the Bill. The views the hon. and learned Gentleman entertains, and the views we entertain, with respect to the provisions of the Bill, will appear in Committee. The hon. and learned Gentleman the Member for Athlone (Mr. Keogh) says that we propose to abandon the whole of the Bill. The first question to entertain is the first clause in the Bill; we shall propose to go on in the ordinary course—to postpone the preamble, and go on with that first clause. There is no alteration—there is no material alteration proposed in that first clause; and that is the clause which we consider is the main clause of the Bill.

MR. DISRAELI: Sir, I came down to the House this evening for the purpose of supporting Ministers in going into Committee upon this Bill, because I have no wish to see any unnecessary delay in the progress of the measure. I have hitherto avoided making any observations upon the Amendments to be proposed, as I wished to see them first placed upon the paper of the House. With the permission of the Committee, I will now, however, make one or two remarks which I think will facilitate our progress upon the present occasion. I cannot but feel that the position of the House with respect to the proposition of the Government is very much changed by some recent declarations of the Ministry. Very recently the noble Lord told us that he had no hesitation in saying that the rescript of the Pope and the appointment of Cardinal Wiseman were part and parcel of a great conspiracy against the civil and religious liberties of this country—

LORD JOHN RUSSELL: Of Europe.

MR. DISRAELI: That is a still larger description of the evil. I make this observation in reference to the Amendment we are called upon to consider, and I am bound to say that I take that statement of the Government as an authentic statement. I cannot believe that a Minister would make such a declaration without well weighing his words.

LORD JOHN RUSSELL: The hon. Gentleman says that what I stated was that it was part and parcel of a general conspiracy against the civil and religious liberties of this country. Now, what I said was that it was part of a conspiracy with a view to prevent the extension of civil and religious liberty in Europe, and that the influence of this country might be conceived to be favourable to the cause of civil and religious liberty. I certainly do not recollect saying, at least I did not intend to say, that it was a conspiracy against the civil and religious liberty of this country.

Mr. DISRAELI: I am willing to take the noble Lord's recollection as more accurate than my own. I repeat that I think on such a topic he would not have used an exaggerated phrase, and that he knows more of the subject than he feels authorised to communicate to the House; but I doubt whether, in this century, in England, a Minister has made a more important communication to the House of Commons. I am bound to ask the noble Lord whether the Bill, as it appears before us—for I understand two clauses to be virtually withdrawn—will meet such dangerous circumstances. In the first place, there is this remarkable characteristic in the Bill as it now, for the first time, formally appears before us—it bears no reference to the circumstances which have occasioned it. That is the remarkable characteristic of the Bill now before us; it does not allude to the grievance that it proposes to remedy. If, indeed, the rescript of the Pope, and the appointment of Cardinal Wiseman, are part of a conspiracy against the civil and religious liberties of England or of Europe, I would say the first thing we should have done was to have dealt with the arch-conspirator himself. It was the duty of the Government to secure the removal of one whom they believed to be an arch-conspirator. I would say that, when we came to legislate, we should have legislated upon some principle that would have settled the difficulties we had to contend with, or at least have aspired to settle them. We might have laid down a principle to which I referred before, and which appears to me to be a principle adequate to deal with those circumstances, namely, that the assumption of any title, civil or ecclesiastical, by any subject of Her Majesty, that title being granted by a foreign prince, should be an illegal assumption; and if the accounts we have received in the course of the debate be correct, the declaration that such an assumption was illegal would have entailed consequences upon those who, in an unauthorised manner, have adopted those titles which they would have found it most inconvenient to cope with. If we had declared that, without the consent of Her Majesty, no one of her subjects should take civil or ecclesiastical titles from foreign princes, we should have laid down a principle competent to deal with the circumstances we are called upon to encounter. This would be a political remedy for a political evil; and this conspiracy against the civil and religious liberties of England or of Europe, would have been encountered in a manner which would show that this country was determined to baffle the conspirators, and lay down a principle of legislation that might prevent any recurrence of those manœuvres. But, instead of that, Her Majesty's Government have, I think, unfortunately adopted a course quite the reverse. In the first place, they have called upon us to legislate without the slightest reference to the circumstances and causes which called for that legislation, and, still more unfortunately, the only legislation that they recommend assumes at least the unhappy semblance of something like a petty religious persecution. Now, Sir, if Parliament, by the advice of the Minister, had secured the removal of that Cardinal Popish prince, whose presence in this country has been declared by a high authority to be a part of the great conspiracy against civil and religious liberty, and if Parliament had laid down a principle of legislation which would have brought under the constitutional control of the Sovereign all those who assumed titles, civil or ecclesiastical, at the bidding of a foreign prince, we should (without having recourse to this petty penal legislation) have vindicated the honour of the country, have baffled the conspiracy, and laid down a principle of legislation that would not have encouraged its recurrence. I am obliged to consider the various Amendments before us with reference to those circumstances. Those Amendments are considerable in number, and are about to be proposed by Gentlemen on both sides of the House; but though considerable in number, they divide themselves under two heads. There are those Amendments which take, I think, the right course—which seek to connect our legislation with the causes which really have produced it, and which in the Government scheme are studiously concealed—which recognise what has occurred as a political evil, and seek to apply to it a political remedy. There are, on the other hand, Amendments of a different kind, which attempt to make efficient legislation that which is essentially ineffective—which do not seek to connect our legislation with the circumstances that have occasioned it—which do not seek to offer or afford political remedies for political evils; but, on the contrary, following up what I think is a fatal error of the Government Bill, only aggravate the dangers and inconvenience of that petty penal legislation to which I have referred. Now, Sir, all those Amendments which in a frank and undaunted manner declare to Europe, and to the country, the reasons why we are undertaking this legislation—which show that this Bill is what it ought to be, a retaliatory Bill, intended to resent a gross insult, and to prevent the recurrence of outrages of that description—are Amendments which I think so far greatly improve the Bill; and they are Amendments which, though they may not do all I require in that respect, greatly improve the legislative proposition of the Government—and they are Amendments that I trust will obtain the concurrence of large majorities of this House, for they offer a political remedy for a political evil; and with a political evil we must remember we are alone dealing. The other class of Amendments are of a different kind. There is a clause called the informer's clause, for example, that is extremely popular with those who advocate the non-application of this Bill to Ireland. They say, "It is impossible that this clause can work in Ireland; and therefore we are in favour of this clause for England, and that is our argument for not applying the proposed legislation to Ireland." I do not presume to answer for any person but myself; but I say this for myself—that under no circumstances will I consent to apply legislation to England on this subject that is not applied to Ireland. The question before us is, how can we maintain the supremacy of our Sovereign? That is the only and the real question before us; and to say that we will maintain the supremacy of our Sovereign in England, and that we will evade the assertion of that authority in the sister kingdom, is to take a course the most impolitic and injurious that could be taken. I think, therefore, that this clause, called the "informer's clause," takes its class under the second division of the legislative proposition to which I have referred. It is in harmony with the Government Bill; but the Government Bill I think is essentially erroneous. Instead of asserting a principle, and making those who violate that principle take the consequences of their illegal conduct, the Government, without any reference to the circumstances that occasioned this Bill, and with which you have to deal, propose solely a clause which I shall still call petty penal legislation. It no doubt may be perfectly consonant to those who approve of legislation that is essentially ineffective to propose something whose efficacy may make it more efficient. In my opinion it will not, and therefore, on going into Committee, I shall feel it to be my duty to support any Amendment from whatever side it comes—whether from the Government or from Gentlemen at this side of the House—which will frankly and truly attempt to cope with the difficulties and with the circumstances which have really occasioned our legislation. I shall support all those Amendments which, in a manner becoming a great nation, declare the reason why we take the step we are now about to consummate. I shall support all those Amendments which will make this Bill a retaliatory Act—an Act passed to vindicate our honour—to baffle a conspiracy—to assert and maintain really the cause of civil and religious liberty; but I shall not feel it expedient to support Amendments, the only object of which is to render that efficient which is essentially ineffective, namely, a scheme of legislation which shrinks from avowing the causes for the proposed law; which dares not to tell the reasons why the Government of this great country assumes the position it now occupies in this respect; and, as it were, compensates for such want of frankness and manly dealing by a scheme of penal legislation, vexatious, insufficient, and calculated, I think, to produce general disgust, and not to vindicate the honour of this country—not to baffle the conspiracy, in which I believe, and which has been denounced by the Minister—and not tending to vindicate the honour and dignity of England.

LORD JOHN RUSSELL: If I understand the hon. Gentleman correctly in what he has stated, there are some points on which I can agree with him. The hon. Gentleman stated that he wished the Government to have placed in this Bill an account of the cause why this Bill was introduced, and what was the nature of the offences which it proposes to meet. In the preamble of the Bill, as it was originally introduced, there was a recital that any attempt to establish, under colour and authority of the See of Rome, archbishops and bishops in this country, was illegal and void. To make that more definite, my right hon. Friend the Secretary of State for the Home Department, proposes to introduce these words :—

> "Divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishops and bishops of a pretended province, and pretended sees or dioceses within the United Kingdom, under colour of an alleged authority given to them for that purpose by a rescript or letter from the See of Rome."

I don't know that what has taken place can be described more fully than they have been described in these words. If the hon. Gentleman finds that other words describe them more fully, or, if he has other words to suggest that are superior to the words proposed to be used, he can propose them. With regard to another point of great importance, I understood the hon. Gentleman to refer to one of the Amendments, by which it is proposed that a person can be sued in a court of law for the recovery of those penalties. That is the clause he calls the informer's clause; and the hon. Gentleman does not think these words would add to the efficiency of the Bill, but, on the contrary, would be a source of great vexation. If I understood him exactly, I quite agree with him in that objection, and I have already stated to the House before going into Committee, that it was one of the clauses I meant to withdraw. I made another statement to the House before going into Committee, to which I wish to refer. I stated generally that, with regard to the Amendments proposed by the hon. and learned Gentleman the Member for Midhurst (Mr. Walpole), the Government were not prepared to accede to those Amendments; but I stated there was one Amendment on which we were so entirely agreed in principle, that we certainly wish him to consider whether or not it was better carried into effect by the words of the preamble, than by the clause of the hon. and learned Gentleman. Upon considering the clause, we shall have the advantage of the statement of the hon. and learned Member for Athlone (Mr. Keogh), that this assumption of titles by authority from the See of Rome, was by no means void or illegal. But considering that the part of the Act of Parliament, which would be generally consulted as a declaration of the intentions of Parliament would be the first clause of the Act, we have come to the opinion that it would be better to adopt the words of the hon. and learned Gentleman (Mr. Walpole) as a clause, instead of inserting them in the preamble of the Bill. With regard to the other proposals of the hon. and learned Gentleman, he gives his reasons for proposing them, and I shall then have the opportunity to state the objections I entertain to them. With regard to the proposal having reference to the allowing persons to bring actions under the Act, I consider it will not only be vexatious in practice, and give rise to great inconvenience, but it will be objectionable in principle, because the offence that will be committed will be an offence against Her Majesty's Crown; and it should be a competent authority, and not a private authority, that should attempt the vindication of the law. With respect to that vindication, I certainly think, if this Bill should pass, it will be the duty of the Government, if any person assume those titles, to put the law into force, of course always exercising a discretion on that subject as to the evidence in support of the offence, and the likelihood of obtaining a conviction. It would be another question, if it was not thought possible to obtain a conviction in any of those cases; but, generally speaking, it will be the duty of the Government to decide what course shall be taken in all such cases.

Mr. KEOGH considered that the preamble should be first taken in order. The noble Lord had said that he had abandoned his own preamble to the Bill. [Lord John Russell: No!] Then the noble Lord adopted the preamble of the hon. and learned Member for Midhurst—was not that so?

Lord JOHN RUSSELL said, that there were certain words proposed by the hon. and learned Member (Mr. Walpole) which he intended to adopt, but it was a distinct clause.

Mr. KEOGH had understood the noble Lord to say that he intended to introduce a further recital into the preamble. Was not that true? Then the noble Lord said that he preferred the adoption of words suggested by the hon. and learned Member for Midhurst. It was little matter whether these words were in the preamble or in a clause. The noble Lord declared that he intended to make serious alterations in his own Bill; that he intended to leave out the second, third, and fourth clauses, and that the Government would have a Bill with one clause, and that there were other words to be introduced either as a preamble or as a clause. Now, he put it to the Committee, whether they (the Irish Members) were called upon to take any one step with respect to this Bill in its present shape, and that, too, without being informed what was precisely the Bill which the noble Lord intended to stand by. The hon. Member for East Somersetshire (Mr. W. Miles) who had voted for the Bill, had informed him that if there were no other person, in that House to make the Motion, he would move that the Bill should be reprinted. Before they went one step further, he said the Bill ought to be reprinted. Again, he put it to the noble Lord whether it was fair to the Roman Catholics to persist in such a course as this? They were bound not to allow the noble Lord to go forward with this Bill in its present shape and form. The objections here were made for no purpose of delay: the object was, on the contrary, to secure a fair and legitimate progress with the measure before them—to have that measure put in a clear and intelligible manner before them. It was not, he said, fair to that House, it was not fair to the Roman Catholics, it was not fair to the country, to attempt forcing on a discussion upon a Bill which was not before them in a clear and intelligible form.

Lord JOHN RUSSELL: I beg to make a proposal, which, if the hon. and learned Gentleman adopts, and the Committee should consent to, I should be willing to abide by. What I am willing to do is, to leave out the clauses which we now propose to leave out; to accept the clause of the hon. and learned Member for Midhurst, which I stated the Government were willing to accept; to put the preamble in the form my right hon. Friend the Home Secretary proposes; to have the Bill printed, and then to go into Committee on Monday, on the understanding there would be no debate on the question that Mr. Speaker leave the Chair. If the hon. and learned Gentleman the Member for Midhurst will consent to go into Committee with the Bill, as the Government proposes, I shall then be willing to take that course.

Mr. KEOGH said, the noble Lord had made a proposition which he was not prepared to say was not a very fair proposition, as he understood the noble Lord merely proposed that the Bill should be reprinted; but that when before them it would be open to them to offer any opposition which they thought was called for.

Lord JOHN RUSSELL said, the hon. and learned Gentleman had entirely explained his (Lord John Russell's) meaning. When the Bill was reprinted, the whole question would be open for discussion.

Mr. GRATTAN desired to know, first, what was held to be included in the Bill. The noble Lord at the head of the Government had said that he gave up his preamble. The noble Lord made an offer, if hon. Members would not object to Mr. Speaker leaving the Chair on Monday; but it would be impossible, after what had taken place in Ireland, for any Irish Member to allow Mr. Speaker to leave the Chair to go into Committee on this Bill. The Irish had liberty to fight for it, and they would fight for it, but they would fight for it against that House. They would not suffer their peace to be disturbed any longer by paltry legislation. The present Bill was the commencement of a course of war in Ireland. If the Amendment of the hon. and learned Member for Midhurst (Mr. Walpole), was carried, no Roman Catholic priest could exist in Ireland. Roman Catholic ecclesiastics could only exist, in the first instance, by the authority of the Pope, and that authority was denied in the preamble. [*Cries of* "Order!"] There was no order in his country. The proposition now was, whether the preamble be postponed. ["No, no!"] Yes, it was. He wished to know whether the preamble was withdrawn or not? [An Hon. Member: Yes.] Then, if the Motion was withdrawn, what were they now discussing? [An Hon. Member: Nothing.] Well, as we were discussing nothing, the Committee will perhaps allow me to say a word or two upon that point. The preamble was to be altered, and three clauses out of four were to be withdrawn. Was it then worth the noble Lord's while to drag the House and the country into that

"Serbonian bog, where armies whole have sunk?"

Let the noble Lord make another omission, and leave out Ireland. Let him take warning by the ominous bell they had heard tolling from Enniskillen on the former evening, and not resuscitate the fell spirit of party in Ireland. The Orange party, there, was again raising its head, an instance of whose intolerance had lately occurred in his own neighbourhood. An English clergyman having been buried there, a cross was placed over his grave, but the Orange party broke into the churchyard in the night, broke the cross, and wrote "No Popery" on it. They afterwards spent the remainder of the night drinking—To "Hell with the Pope and all the cardinals." They should consider the state of Ireland, instead of such trumpery measures as this, In the north every man who asked for his rent was shot, while the south was a desert. A man had lately ridden twenty miles in Ireland without meeting a human being. Talk of bullies! the bullies were the men who had kept down his country with 40,000 armed men. They had driven the people to the grave or to America, but they should remember Saratoga, General Cornwallis, and Lord Burgoyne. [*Loud laughter.*] Well, General Burgoyne. He hoped that the noble Lord would reject the Bill.

Mr. WALPOLE thought the hon. Member (Mr. Grattan) had certainly mistaken what both the noble Lord at the head of the Government and himself intended to do. The proposition which had been made by the noble Lord appeared to him (Mr. Walpole) so reasonable that if hon. Members exactly understood it they would scarcely object to it. That proposition really amounted to this, that the House should consider itself in Committee *pro formâ*, for the purpose of enabling Government to reprint the Bill according to the form in which they intended to lay it before the House. According to the statement of the noble Lord, the Bill would then simply contain the recital of which the right hon. Gentleman the Home Secretary had given notice as the preamble, and would go on to declare, not, as had been supposed by some hon. Members, that

—"this kingdom is and has been at all times so free and independent that no foreign prince, prelate, or potentate hath, or ought to have, any jurisdiction or authority within the same or any part thereof; and whereas the Bishop of Rome, by a certain brief, rescript, or letters apostolical, purporting to have been given at Rome on the 29th day of September, 1850, hath recently pretended to constitute within the kingdom of England, according to the common rules of the Church of Rome, a hierarchy of bishops, named from sees and with titles derived from places belonging to the Crown of England," &c.

but would contain as the first clause these words only:—

> "The said brief, rescript, or letters apostolical and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, as aforesaid, are and shall be and be deemed unlawful and void."

The Bill would then contain as the second clause that which was now the first, and the clauses which were now second, third, and fourth, would be struck out. It would thus come before the House in a form which would leave it open to him, if he thought, as he certainly did, that the Bill was defective, particularly in the preamble, to move any Amendment he thought proper; and he reserved to himself the power of moving any of the Amendments he had placed on the paper. He would not say he did not see great difficulty with respect to the portion of the Bill which related to what had been called the informers' clause, as well as the difficulty in the way of Government, and that of acceding to his own Amendment without some qualification. If the hon. Member for Meath (Mr. Grattan) thought he wished no Roman Catholic to exist in Ireland, or desired to interfere with any spiritual function of the Roman Catholic bishops or ministers, all he could say was, that if the hon. Member could prove to him any of his Amendments would have such an effect, he would immediately withdraw it; and that he would not propose anything whatever which, in his conscience, he believed could interfere with any such function, or prove injurious to religious liberty.

Mr. MOORE said, after what had fallen from the noble Lord at the head of the Government, he (Mr. Moore) would think it a breach of honourable feeling to oppose Mr. Speaker leaving the Chair on Monday.

Mr. M. GIBSON questioned whether, after all, it was worth while to amend the preamble. He thought it would be shown that the preamble was not at all necessary for any practical purpose, and that it would be quite sufficient merely to enact what they wished to be done by their enacting clause. He could not understand what object there could be in taking so much pains to amend the preamble, for the enacting clause would be that which would guide courts and juries.

Mr. NEWDEGATE wished to ask Government if they were prepared to allow the temporal aggression of the Pope to pass unnoticed? There had been an intrusion on this country of a Cardinal priest and legate from his Holiness, which was contrary to the law and ancient custom of the realm. No legate *à latere* could come here without the express permission of the Sovereign, and on the promise that he would do nothing contrary to the rights and privileges of the kingdom. By that step the system under which the Roman Catholics had hitherto lived would be broken up by Cardinal Wiseman and Legate Cullen. With regard to these legates, their presence was not essential to the discharge of episcopal functions, but superseded them, and they were not required for the administration of the sacraments, or for the cause of charitable funds. This part of the aggression was purely political, and was directed against the authority of the Crown and the temporal liberty of the subject. Was the noble Lord prepared to take no step in this matter?

Sir FREDERICK THESIGER said, as the Committee had agreed to the fair proposition of the noble Lord (Lord John Russell), he thought it would be infinitely better that they should not enter into a discussion of that kind. His hon. Friend (Mr. Newdegate), when the Bill was reprinted, would have an opportunity of seeing whether there were any provisions to meet the difficulties or inconveniences which he had stated; and if there were none, it would be open to him to propose Amendments of his own. The hon. and learned Member for Athlone would permit him (Sir Frederick Thesiger) to make an observation as to the preamble. The course in Committee had been to postpone the preamble until after the clauses were settled; and he thought it would be desirable to follow that course on the present occasion, which would not be attended with any inconvenience in discussing the clauses.

Lord JOHN RUSSELL thought, with the hon. and learned Gentleman (Mr. Walpole), that it would be advisable to reserve till Monday the discussion of the points referred to by the right hon. Member for Manchester, and hon. Gentlemen opposite. All he asked was that they should on Monday be placed in the same position as they were now, and that no opposition should be made to the Motion for going into Committee.

Mr. KEOGH, in answer to the appeal which had been made to him, merely wished to inform the hon. and learned Gentleman (Sir Frederick Thesiger) that it was not the invariable custom to postpone the preambles of all Bills, and that he would be prepared to quote precedents to show that such was the case.

House resumed.

Bill reported, to be printed as amended.

MORTMAIN.

Mr. J. O'CONNELL moved that the Select Committee on Mortmain do consist of eighteen Members, and that Mr. Monsell, Mr. Napier, and Mr. Keogh be added to the Committee.

Mr. HEADLAM said, that the Committee on Mortmain was not intended by him to be directed against any religion. He thought a Roman Catholic Member ought to be on it, and he had nominated the Earl of Arundel and Surrey. There was a general rule of the House this Session that Committees should only consist of fifteen Members. He had not the slightest personal objection to extend the Committee by the appointment of the three distinguished Gentlemen who had been named.

Sir GEORGE GREY said, the House had made a rule that Select Committees should only consist of fifteen Members, in order that the business might be more effectually done. Great convenience was found to to arise from the working of the rule, and it had been adhered to, unless where special circumstances rendered it advisable to depart from it. Now, in the present case he saw no special circumstances demanding a departure from the rule. He would therefore oppose the Motion.

The Earl of ARUNDEL and SURREY said, that there were special circumstances which did require another Roman Catholic Member or two upon the Committee. He, since he had been appointed, but had not been able to attend the Committee once, in consequence of his labours upon a Railway Committee. It was very necessary that a Roman Catholic should be on the Committee, as the law of Mortmain was very much connected with the Roman Catholic religion. Moreover, the law of Mortmain in England was different from that of Ireland, which was an additional reason in favour of the proposition of the hon. Member for Limerick City (Mr. J. O'Connell). He trusted that the hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. Headlam) would not object to the Motion.

Mr. KEOGH: He does not object to it—it is the Government who oppose it.

Mr. J. O'CONNELL said, that as the hon. and learned Member for Youghal (Mr. C. Anstey) had expressed opinions extremely adverse to the Roman Catholic party, he was not considered as representing their interest in the Committee. He (Mr. J. O'Connell) proposed two legal gentlemen on account of the difference in the law on this subject between the two countries. One was a Roman Catholic, and the other a Protestant, and the third was a Member to whom no one could object. He hoped that a mere formality, under the very special circumstances of the case, would not interfere with justice.

Lord JOHN RUSSELL had no objection to insert the name of Mr. Keogh instead of that of the Earl of Arundel and Surrey.

Mr. G. A. HAMILTON said that, before the Committee was appointed, his learned Colleague (Mr. Napier) was consulted upon it, and he left the House under the impression that he was to have been nominated upon it. Certainly, it would be most desirable that an Irish legal Gentleman should be a Member of the Committee.

Mr. KEOGH would prefer not serving upon the Committee, and that Mr. Napier and Mr. Monsell should be appointed. As to the hon. and learned Member for Youghal, he was not an Irish, he was an English barrister. He would be very glad to see Mr. Napier nominated. There were some cavalry officers upon a Committee appointed to inquire into the law of Mortmain. Now, he thought the hon. and learned Member for the University of Dublin (Mr. Napier) would have been a more eligible person than cavalry officers.

Motion made, and Question put, " That the Select Committee on Mortmain do consist of eighteen Members."

The House divided :—Ayes 38, Noes 94 : Majority 56.

METROPOLITAN COMMISSION OF SEWERS.

On the Motion for the adjournment of the House till Monday,

Sir BENJAMIN HALL said, he would take that opportunity of calling the attention of the noble Lord the Chief Commissioner of Sewers to some extraordinary facts with which he had just been made acquainted. When he had asked the noble Lord some evenings ago for certain information respecting the expenditure of the Commissioners, the noble Lord recommended him to go to their office, and he had done so. The result was, he had to make some charges of a serious nature against those Commissioners, who were perfectly irresponsible, who had levied heavy rates, had control over more than 8,000,000*l*. of property, and whose liabilities were enormous. He found in the Metropolitan Sewers' Act, 11 and 12 Vict. c. 112, the following provisions :—

> " Sect. 24. And be it enacted, that the clerk of the Commissioners shall keep the record of their proceedings at their courts and minutes of proceedings of committees in proper books.
>
> " Sect. 25. They shall cause a seal to be made, and shall cause to be stamped therewith decrees, orders, and records of proceedings ; and ratepayers may inspect."

As a ratepayer he went to inspect accordingly, and—would the House believe it ?—this Court of Record had kept no record whatever from the 11th of October, 1850, to the present time. He then desired to see a manuscript minute of proceedings of the Court when the last rate of 6*d*. in the pound was ordered to be prepared, and was shown a rough paper sent to each member of the court, showing the business to be transacted on the 6th of December, 1850; and the 28th order of the day was the following :—No. 28, " As to ordering preparation of sewers' rate in the under-mentioned districts ; namely, western division of Westminster sewers, and the Greenwich district." He then desired to see the order, and was shown a piece of paper with an order, no date, no signature; and, as regarded the order for such rate for the Westminster district, such order has never to this day been entered in any book whatever. He asked whether the order was passed by the Committee or by the Court of Record. The Secretary said he did not know to whom the paper belonged, but he concluded that it belonged to the Court, because it contained some allusion to its proceedings. On the 11th of April the Court met and made a vote for 6*d*. in the pound, on 4,000,000*l*. of property. That order had never been entered in the minute book. He asked the Secretary how it was possible that the business of the office could be conducted in this way; and he received from him the extraordinary statement that rough minutes, or rather heads of minutes, were taken, and that he (the Secretary) was obliged to trust to his memory to draw them out for the Book of Record. Now, he begged the House to remember that not one of those minutes had been entered in the books since the 11th of October, 1850. His noble Friend the Member for Bath (Viscount Duncan) and himself were no less than two hours and thirty-five minutes engaged in examining the papers, which it required the solicitor or lawyer of the Commission and eight clerks to produce, such was the disgraceful state of confusion in which they were. In happened that on Tuesday last he heard that a large sum was to be borrowed by the Commissioners. On Wednesday morning he went to the office, and asked if such was the fact, and he was told that on the 15th of April a Resolution was passed in Committee asking for the shortest term at which a Mr. Peath would lend 10,000*l.*; that on the 29th the Committee recommended the Court to borrow it; and that on the 2nd of May a Court was held to consider the subject. Would the House believe it? There was no entry in the books respecting the result; but he was informed that the 10,000*l.* was borrowed for five years at 5 per cent. He maintained that this was disgraceful to the Commission; and when his noble Friend gave the unsatisfactory answer a few nights ago to the question whether he intended to bring in a new Bill with respect to the Commission, he (Sir Benjamin Hall) was not surprised that his hon. and gallant Friend (Captain Fitzroy), who was at the head of the parish of St. George, Hanover-square, repeated the question, and expressed his astonishment that the Commission had been allowed to continue so long. He (Sir Benjamin Hall) asked the Secretary to show him the minutes of the Court from January the 1st to the present time. The Secretary answered that they were not entered. He then desired to see the rough minutes; and the Secretary said, "I will give them to you, but I am afraid you will not be able to make anything out of them, they are so mixed together." This was certainly quite true, for he had never seen, in the whole course of his life, any public documents in so disgraceful a state as the documents in that office were; and he hoped that what he was now saying would reach the eyes and ears of the ratepayers, and that they would go and judge for themselves. He found that many of the papers were not signed, or dated, or authenticated in any way whatever; and yet those Commissioners had power to raise taxes upon 8,500,000*l.* of property. The Secretary admitted that from January to the present time no minutes whatever had been entered in conformity with the Act of Parliament. In order to be careful in what he stated to the House on this subject, he read over to the Secretary every word of what he had now stated. He asked him in the presence of his noble Friend the Member for Bath (Viscount Duncan) whether he had misstated, or been mistaken, on any one point, and he was informed that he had not; so that whatever contradiction might be offered to his present statement must be directed against the Secretary, and not against his noble Friend and himself. On the 17th of December last a gentleman went to the office of the Commissioners and desired to see the minutes of proceedings. He was informed that he could not examine the last series, as from the 21st of June to the 15th of August they were in the hands of the binder; from the 15th of August to the 29th of October they were in proofs; and from the 29th of October to the 12th of December they were not entered up. This was mentioned to the right hon. Baronet the Secretary of State for the Home Department on the 8th of February last, but there had been no amendment. He wished also to call the attention of his noble Friend at the head of the Government and the House to the disgraceful way in which the Commissioners acted towards the public. Would the House believe that the Court was adjourned from the 12th of July to the 19th, and from the 19th to the 26th, and from the 26th to the 2nd of August, in consequence of no Commissioner having been present at any one of these times? so that people who desired to appeal against rates were put off from week to week, and had their time wasted, all because the Commissioners did not attend to their duties. On Saturday last a Court was appointed to meet at 12 o'clock for the purpose of ordering works, hearing appeals against the district rate of the Western division of Surrey, to receive presentments of rates, presentments in case of nuisances, to hear parties summoned to appear, to affix the seal of the Commission to contracts, and to order summonses to be served on defaulters. The parties who went waited one hour and a half, and no Court was made. He asked his noble Friend if such things could be allowed to go on? He wished also to call the attention of the House to—he would not call it a fraud—but an imposition which had been practised on it. On the 14th of February the Committee of Sewers ordered Mr. Joseph Smith to make a survey of Victoria-street sewer. On the 4th of March Mr. Joseph Smith presented that Report, and the Committee passed a resolution directing their engineer to report upon the same, and to propose a system for checking, by means of Mr. Joseph Smith and his staff, the works performed by contractors, and declaring that no settlement be made until such works should have been so examined, &c. On the 28th of March, he (Sir Benjamin Hall) gave notice for a return of that Report. He begged to say that he had no communication with Smith or with a single person connected with that Court; but three days afterwards the Court met and desired the attendance of the surveyor, whom they rated soundly for having, as they imagined, given him (Sir Benjamin Hall) some information on the subject. On the 8th of April the engineer presented his Report to the Commission. It was read, but instead of receiving the Report, the Commission sent it back and desired him to revise it. On the 10th of April the House ordered Smith's Report and the engineer's Report to be presented. They were presented on the 2nd of May, Smith's Report as it stood, but the engineer's not as presented, but as revised, although it bore the date of its former and not amended state. Both Reports were now in the office of the Commission, but neither of them had been entered in the books. He hoped that what he had said would induce the Government to take some steps with respect to the Commission, for the manner in which it performed its duties was disgraceful to the metropolis. With respect to its financial affairs, too, it contrasted most unfavourably with the former Commission, the liabilities under which were only 58,195*l.*; whereas the liabilities of the present Commission were 135,342*l.* [Viscount EBRINGTON dissented.] His noble Friend, he observed, shook his head; but he assured him he quoted from the document sent to that House by the Commissioners themselves. [Viscount EBRINGTON: So be it.] His noble Friend said "So be it;" but the people had got to pay for it. He hoped that, after what he had said, the right hon. Gentleman the Secretary of State for the Home Department would be induced to bring in a Bill to suppress the present useless and extravagant Commission, and to place the management of the metropolitan sewers on a better and more satisfactory footing than that on which, as the House had seen, it now rested. He had only to add that he had shown his noble Friend (Viscount Ebrington) all the documents he had quoted; and that, if he should deny the statement he had just made, he hoped he would remember it was the statement of the Secretary of the Commission.

VISCOUNT EBRINGTON said, he had to solicit from the House that indulgence which they always extended to those who had to answer such charges as had been made on the present occasion. With the exception of the last sentence but one of the hon. Baronet—that in which he expressed a wish that the Commission should be placed on a better footing—there was no other single statement which he should not be obliged to deny, or give a different colour to, in the course of his explanation. Now, the first charge which had been made was, that the Commissioners attended hardly at all to the business of the Commission. Upon this point he had to refer the hon. Baronet to the Act of Parliament, which stated that the Commissioners should hold one meeting in the month—twelve meetings in the year. This was the total number of meetings required by the Act of Parliament to be held. The Commissioners were only twelve in number, half of whom, by the clumsy legislation of that House, were required to be present to constitute a quorum. The hon. Baronet would see, on reference, that the number of Courts held last year was thirty-two, and that the number of Committees was seventy-seven. This gave an average of rather more than two Courts for every month. It was to be remembered that these Courts were not primarily for the consideration of the business of the Commission; they passed those orders and decisions which the Commissioners, after mature discussion and consideration, had previously agreed upon; and, therefore, every single hour spent in these Courts represented a far greater number of hours spent in the deliberation and consideration of the business of the Commission. Now, in order to give the House some idea of the mass of business frequently transacted at one single Court, it was necessary to state that the printed minutes, ninety to one hundred pages in length, had frequently to be copied with the formal minutes of the proceedings of a single Committee, and that the same number of pages had to be copied with the original minutes. The Commissioners, in addition to their other arduous duties, were a Court of justice also, entrusted with very large and complicated jurisdiction. In the Courts at Westminister, the few short words of the Judges, "For the defendant," had to be translated by the officer of the Court into a longer minute; and in like manner a long translation had also to be made at the office of the Commissioners of Sewers. What was the course adopted by a very analogous body to the Commissioners, namely, the Court of Quarter Sessions, which consisted of a body of justices executing important works, and taxing the public, and at the same time passing judicial sentences? The hon. Member for Oxfordshire (Mr. Henley) knew that in the case of an indictment preferred against the inhabitants of a parish for non-repair, the few simple words of the Court required a very large subsequent expansion on its records; and he (Viscount Ebrington) was acquainted with a case in which that record had not been entered for months afterwards, because it was found necessary to take legal advice as to the manner in which the record should ultimately stand. The Commissioners of Sewers had no other object in view but that of serving the public. They were not sinecurists receiving large salaries; they were a body of gentlemen, almost all of them having other public or private business to attend to; and he was only astonished at the large amount of time they bestowed on the enormous mass of business constantly coming before them. He had already said that the Commission of Sewers was a newly-constituted body acting under a complicated Act—an Act of no fewer than one hundred and forty-six clauses. They had to frame a new set of forms, for they had no precedent under the old law of sewers to guide them. They found the clauses of the Act of Parliament gave them power to do many things; still, it became frequently necessary to take legal advice as to the form in which the final record was to be entered on the minutes. The record of the Court was kept in manuscript; and whenever any delay ensued from the difficulty of ascertaining the shape in which the formal record should be entered, it was found necessary to delay the entry of all subsequent matters also. The consequence was, that in cases where one hundred pages of manuscript had to be inserted from time to time, errors of the sort mentioned by the hon. Baronet were unavoidable, and would necessarily continue to be unavoidable. For instance, requisite notices had to be expanded in a complicated legal form, several pages long. Now, it was not true that minutes were not kept, and carefully kept, of the proceedings of the Commission. The proceedings of the Commission originated in Committee; in the minutes of the Committee were to be found almost invariably all the recommendations on which the proceedings of the Court were founded; and, when these proceedings were agreed upon, the minutes of them were again submitted to the Commissioners for their sanction and verification before they were finally entered in the records, and sealed with the seal of the Commission. Though the entries in the formal Record were still somewhat in arrear, he could state that he had seen, in print, the minutes of the Courts up to the 6th of the present month. It was true that upon the same day when the Report of Mr. Smith upon the Victoria-street sewer was received by the Commissioners, they directed their engineer to inspect the sewer and prepare a report upon it. On the 8th the engineer came to the Committee of the Commissioners, and said he wished to consult them on some points connected with Mr. Smith's Report, and he brought a rough draft with him on the subject. The Committee told him to revise the draft, and said that they could not receive it in its rough state, but that they would receive his Report in its final shape on some future day. He revised it accordingly, and on a subsequent day presented it. The hon. Baronet was, therefore, not justified in saying that the Report obtained by the House was not the Report it had ordered; for long before the 10th of April, when the Order of the House was made, the engineer had been ordered to report by the Commissioners; and quite early in the month, several days before the 8th, he (Visct. Ebrington) had consented that the Report so ordered should be moved for unopposed, and had agreed with the hon. Baronet on the very terms of the Motion. So much, then, for the impropriety, or fraud, or evasion, charged upon the Commissioners with reference to the order of the House. Now, when he interrupted the hon. Baronet respecting the alleged financial position of the Commissioners, he did so on this ground—that the statement did not contain their financial position at present, though it did set forth accurately their financial position at the time of which it bore date. The liabilities were then what they appeared on the face of the papers laid on the table of the House; but at the present moment a very considerable reduction had been made in them, a great part of the rates having been now collected. The expenses of management for the seven former Commissions, during the eleven months of 1847, averaged 6*s.* 7*d.* per cent on the rental of the district within their active jurisdiction; and the management expenses of the present Commission during twelve months of the past year had been only 3*s.* 11*d.* per cent on the rental of the district under their active jurisdiction. The economical management of the old Westminster Commission had been much praised, and the expenses of their management amounted, in the eleven months of 1847, to 4*s.* 7*d.* per cent on the rental of the district under their charge, while the whole expenses of the management over the same area was now, as he had before stated, only 3*s.* 11*d.* per cent. They had executed works of drainage at one-fifth less than the expense proposed to be incurred by the old Commission, as ascertained from the estimates they left in the office. The reduction was accomplished by the present Commission executing the drainage in a superior manner. A good deal of the present pressure upon the ratepayers of the expenses of the Commission, had been occasioned by the clumsy legislation of Parliament, and the consequent difficulty of borrowing money for the purpose of diffusing over a series of years the cost of the works in the manner contemplated in the Act. It was true a rate of 6*d.* in the pound had been levied; but how was it expended? Not in improving fashionable neighbourhoods—for the Commissioners thought that work might safely be postponed a while—but in draining and effecting other sanitary improvements in the wretched localities where the poor dwelt in large numbers. In addition to the comprehensive schemes for the arterial drainage of the metropolis, both north and south of the Thames, which the Commissioners had proposed, and presented to the public since their appointment, they had executed works to the extent of 200,000*l.* last year; and their drainage had been done at a much less cost per yard than their predecessors had paid. They had nothing to conceal. They invited investigation into their proceedings; and if the hon. Baronet would bring forward a Motion in a fair and tangible shape, and take a vote of that House upon it, they would willingly appeal from the vestry at Marylebone to the British House of Commons.

Mr. HUME said, that all that the noble Viscount had stated would not make up for the irregularities in the accounts of the Commission, and the illegality in their proceedings. Nothing that his hon. Friend (Sir Benjamin Hall) had stated was intended to impute improper motives to the members of the board; but he showed, that somehow or other, everything was in confusion, and it was no wonder that the ratepayers of Marylebone were pestering him and others against what they considered a species of robbery. He hoped that the ratepayers would, in consequence of the suggestion which had been made, go and verify the accounts for themselves. He believed that the Victoria sewer had been executed by the Commissioners at more than 50 per cent above the estimate. So much for the economical management of the Board. He hoped the Government would feel it their duty to inquire into the subject.

Viscount EBRINGTON denied that the minutes were in a state of confusion or arrear; and explained that as to the minutes of the Board, there could be no mistake about them as they were made up to the 6th of the present month; and as to the accounts he could not only state that they were in the best possible order, but that the Government Auditor, an independent authority, had complimented in the highest terms the Commission on the state in which he found them.

Subject dropped.

The House adjourned at a quarter before Eight o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 19, 1851.

Minutes.] Public Bills.—1^a Small Tenements Rating Act Amendment.

2^a Royal Naval School; Expenses of Prosecutions; Property Tax.

EXPENSES OF PROSECUTIONS BILL.

Lord CRANWORTH, in moving the Second Reading of this Bill, explained that amongst its provisions were one enabling the Secretary of State for the Home Department, upon the requisition of the magistrates at quarter-sessions, or of the town council of a municipal borough, to order that in future the clerks to magistrates and clerks of the peace should be remunerated by a fixed salary—not by fees, as at present; and another, for abolishing the expensive process by which prisoners committed in a town which was a county of itself were removed for trial into the adjacent county.

Bill read 2^a.

PROPERTY TAX BILL.

The Marquess of LANSDOWNE moved

the Second Reading of the Property Tax Bill. He said, that in proposing this measure, which was unquestionably, financially speaking, the most important measure which had been proposed this Session, he must, although all their Lordships were familiar with its details, offer a few observations to the House. In the first place, he would cursorily advert to a verbal objection to the Bill which had been pointed out. It related to an oversight which had taken place in the wording of the Bill, in relation to a very important Amendment that had been admitted into the Bill in opposition to the wishes of Her Majesty's Government. It was satisfactory to know that that oversight would not be productive of any injurious consequences in carrying the Bill into execution. He believed that the Bill, however imperfectly it might be worded, would not contain any obstacle, either to its construction or to its perfect operation; but, if it should be otherwise, it would only be necessary to pass an explanatory clause to remove the objection. As to the Bill itself, it was one to which the attention of their Lordships had been frequently called in the course of the last few years; and the only question for their Lordships to decide on this occasion was, how far they considered the present condition of the finances to call for its renewal, even for a limited period. If it were necessary, for the purpose of inducing their Lordships to agree to the Bill, or for the purpose of enabling him (the Marquess of Lansdowne) to recommend it to their Lordships' attention, that he should be, as some in this country were, the enthusiastic advocate of direct taxation—if it was necessary that he should be convinced that it was entitled, to a greater extent than at present obtained, to a preference over other modes of taxation, and that it was the foundation of a system to be introduced to a far greater extent, for the purpose of altering the balance of direct and indirect taxation in the country—he should be the most unfit person to recommend the Bill to their Lordships' attention, because, although he had on former occasions assented to the re-enactment of this measure, it had been with a deep sense of the imperfections that attended it, and of the objections to which it was liable—imperfections and objections which were never stated more strongly or more distinctly than by the right hon. Baronet (now no more) who first induced Parliament to have recourse to this measure in time of peace. That right hon. Baronet, however, for peculiar purposes, and for objects stated by him, and more than once acquiesced in by Parliament, was induced to overlook those objections, and to propose it in time of peace as a temporary tax suitable to be adopted by Parliament. He (the Marquess of Lansdowne) had always felt an objection to that tax, not only because it did to a certain degree (though this was balanced by other considerations) cripple the expenditure of those upon whom it fell—not only because it was liable, as all direct taxes were, to the imputation of great inequality in particular cases (inequality which he was convinced no ingenuity exercised by Parliament could effectually remove), but because that inequality was much the more apparent from not being concealed under the various forms which indirect taxation assumed, and, because it was more glaring, was therefore felt, or at least was imagined, to be more oppressive. Now, he was one of those who thought that it was the duty of Parliament, when imposing burdens to an immense amount upon the country, to endeavour at least to make them as palatable as possible, so that they should carry with them, as far as a great amount of taxation could carry with it, the feelings, the concurrence, and the approbation of the country. These objections to this species of taxation were, however, subject to two qualifications—the question being how far, by the continuance of this burden, Parliament could facilitate the importation of that produce which was material to the prosperity of the country and of its manufactures, and how far they could by this means take off those imposts, the effect of whose removal was to improve the revenue and to facilitate the means of getting rid of the income tax itself at a future period, consistently with the observance of faith to the public creditor, and with the general prosperity and interest of the country. He would ask their Lordships whether they thought that, in the present state of the country, this tax actually operated as an impost destructive to the development of the resources of the country, and whether, since its imposition in 1842, it had had the effect in any visible and tangible form of crippling and diminishing the commercial prosperity and revenue of the country. To this question an unanswerable reply was furnished by the state of the revenue, not in one particular portion, but in every portion since the imposition of this tax. Reminding their Lordships that they had at this moment to provide for the continuance of fifty millions of revenue, and for a burden of 787 millions of debt, he would ask them to observe what had been the progress of the revenue since 1842, when the tax was imposed. The net revenue was then 48,084,000*l.*; from that year to 1850 taxes to the amount of 10,250,000*l.* were repealed by the two Administrations that held office during that period; yet in 1850 the net revenue was 52,810,000*l.*, showing an increase of income of 4,726,000*l.* The actual increase in the net revenue between 1842 and 1850 was less by only 777,000*l.* than the whole amount of the income tax. So that the entire amount of the taxes surrendered was, in the course of ten years, nearly restored and replaced by the development of the commercial prosperity of the country, which development took place under the imposition of the income tax. They had therefore established a great power of reproduction, without which they would not have been in their present proud position of having to dispute, not so much as to how they should raise an amount of revenue, as how they should dispose of the amount of the surplus they had obtained. The next question was, how should that surplus be applied? If they were to absorb the whole of it, it would not enable them to get rid of the income tax altogether, but only of a portion of it; and in remitting that portion they would still be obliged to sacrifice the great and important objects of further liberating from fiscal burdens other articles of consumption, which, by being so relieved, would again reach the former amount of revenue, and at the same time promote the comfort and the commerce of the country. Feeling, then, that if they had the income tax at all, they must have it in its present form, he thought that we could not do better than employ it for the purposes which had been explained in the other House—on which the duties at present levied pressed heavily —he meant the reduction of the duties on coffee and timber. The adoption of this course also would attain an object which he was sure every one of their Lordships desired to see attained, namely, the leaving of a sufficient margin for the security of the public credit—a security which, the moment it ceased to be provided for, would threaten destruction of our financial system, and, by necessary consequence, the ultimate destruction of the power of this great empire. But besides providing this margin for the security of this debt, which the nation was bound in honour and good faith to discharge, the surplus would also afford them the means, if they maintained the income tax unreduced in amount, of removing another important direct tax which sometimes exercised an indirect pressure, and materially affected the sanitary comforts and condition of the people —he meant the window tax. By removing that obnoxious impost, and substituting for it a house tax of less amount, and thereby sacrificing upwards of a million of revenue, they would give a stimulus to the building of houses and the improvement of dwellings in a manner which would at once afford greater comforts to their inmates, and promote the health of the public at large. He, therefore, thought that their Lordships would make a wise choice in assenting to the repeal of the window tax, which had been selected for repeal by the other House of Parliament. With regard to the reduction of the duties on coffee and timber, coffee gave a remarkable instance of the power in which taxation remitted could be replaced by the increased consumption consequent on that remission. When the duty on coffee was formerly reduced, the effect was that in five or six years the revenue sacrificed by the reduction was not only replaced, but there was an actual increase of revenue from the increased consumption of the article. The further reduction of the duty on coffee would therefore be a judicious measure. The same thing, he thought, would hold good with regard to the proposed reduction of the duty on timber. It would be a boon to the shipping interest as well as to the community generally; and, as a proof of this, he might mention that, from the day on which the resolution was agreed to in the other House of Parliament, the price of timber had diminished, and the importation of it had increased. There could, therefore, be no doubt as to the propriety of that reduction. For these objects, then—the repeal of the window tax, the relaxation of the duties on coffee and timber, and the reservation of some margin, at least, for the interest due to the public creditor — he recommended their Lordships to apply so much of our surplus revenue. At the same time, for the sake of continuing this great commercial and manufacturing prosperity, it was necessary that this Bill, for a period—he wished that it was not for so limited a period—should be continued. The present Bill was nearly an exact transcript of the existing Act which their Lordships had already discussed, and approved of on former occasions; the only deviation from it being an alteration by which tenants occupying land who conceived that their profits were overcharged by what was originally considered an advantageous arrangement in their favour, namely, assessing them upon half the amount of their rent, would have the option, admitting the possibility of altered circumstances having made their profits fall short of that half of their rent, of putting themselves under the schedules of trades and professions, and of proving to the Commissioners that their profits had fallen short of the assumed amount. The distressed farmer by this means would have the opportunity of making the case of his distress good; and the amount of relief which he would derive would be proportionate to that distress. He was not aware that it would be practicable, by any adjustment, to render the operation of the tax more equable. Undoubtedly, the tax did press somewhat more heavily on persons exercising trades and professions than on any other class; but it was fair, at the same time, to remember that, if they were in this respect more heavily burdened, they were precisely that class of persons who, from the remission of general taxation which the income tax alone had enabled the Government to effect, were now able to get their provisions cheaper, and to make their incomes go farther as to the amount of comforts and luxuries which they could purchase. The income tax was therefore now proposed by this Bill to be renewed for one year, with the view of having the whole subject reconsidered; and he could hardly doubt that in the present state of the finances, and having due regard to the safety of the public credit, as well as to the development of the commerce and manufactures of the country, which were now in a rapid state of development, and which might be carried further still by persevering in the same course of policy—he could not doubt, he repeated, that on both of these great and important considerations their Lordships would assent to the second reading of the Bill which had come up from the other House of Parliament, proposing that the income tax should be continued for one year. The noble Marquess concluded by moving that the Bill be now read a Second Time.

Lord STANLEY said: The noble Marques who has just sat down has rested the vindication of his Bill on two very distinct grounds. He has rested it first on the necessity, in which I cordially concur with him, of maintaining the public credit, and on the consequent impossibility of dispensing with the whole amount of the income tax in the present state of the revenue, at least in the course of the present year. He has also rested it on another consideration, with respect to which I must take leave altogether to dissent from the noble Marquess, namely, the expediency of what he calls developing and further extending your present commercial system, and still further facilitating the importation of those articles of foreign produce, the extensive, exorbitant, and unchecked importation of which has already brought so much ruin on this country. But I am not desirous of taking this opportunity of entering into a general discussion of the commercial policy of the noble Marques and of Her Majesty's Government, because we are now, in point of fact, in a position in which we have no option as to the course we should pursue. We have brought up to us a Bill, the passing of which in some shape is, I am ready to admit, necessary for the maintenance of the credit of the country. Apart from all other considerations, I am not the person to contend, nor ever contended, nor shall I now contend, that in the course of this year—nor can I honestly say that in the course of the next year—will it be possible, in my belief, to dispense with the continuance of a certain portion of the income tax. And I hope I need not say for myself, and for those with whom I act, that no consideration would induce us to sanction that rash and reckless reduction of taxation which would leave the Government in a position not to meet the engagements of the State. I say that under no circumstances do I believe we could in the course of the present year repeal the whole of the existing income tax. Your Lordships are placed in discussing this subject in a position differing from that of the other House of Parliament; because when a Bill of this kind is brought before you, you are not in a position, with a regard to the privileges of the other House, to amend, or alter, or modify it in the slightest degree. The single question which is submitted to your Lordships' consideration is this—whether you will adopt the modified income tax now proposed to you for the term of a single year, after the other House of Parliament has avowed its intention of inquiring into the irregularities and imperfections of the measure, or whether you will reject the Bill altogether, and therewith reject the means of producing a revenue of between 5,000,000*l.* and 6,000,000*l.*, and so convert a surplus of about 2,500,000*l.* into a deficiency of a similar amount? Now, between these two propositions I conceive that there cannot be a moment's hesitation. In my mind there is none, and I believe there can be none in the mind of any of your Lordships. When I say we are debarred from considering any modification of this Bill, your Lordships have a striking proof of that statement in the fact that you are actually compelled to pass the measure in a shape which reflects no credit on the "blundering" legislation of Parliament. The noble Earl (Earl Grey) says that a "blunder" has been committed in the Bill, which, while it is proposed that it should be passed for a single year, contains an enactment applicable to the last year of that term of one single year; and the noble Marquess (the Marquess of Lansdowne) says that that is a blunder introduced by the Amendment of an individual Member of the other House. Now I must take leave to differ from the noble Marquess upon that point. The blunder is consequent on the introduction of the Amendment; but the blunder was not in the Amendment itself. It is a blunder made by the Government, who, having acceded to the Amendment, or having had it forced upon them, did not look to the context of the Bill, and did not take care that the remaining clauses of the Bill were in accordance with the Amendment. But we must pass this Bill, blundering and nonsensical as it is, or we must pass no Bill at all. We must pass this Bill, or leave the country without a revenue sufficient for the public service. Now I do not hesitate to say that I, for one, do not feel justified in opposing the passing of the Bill; and between the two alternatives before me, I feel it my duty to assent to the adoption of the measure. I must also concur, to a certain extent, in the opinion expressed by the noble Marquess, that do what you will, and whatever may be the ingenuity of Committees of this or of the other House of Parliament, it will be impossible, in any manner, so to modify or amend this tax as to do away with all the irregularities and imperfections that must be found in an income tax. However modified or arranged it may be, there must be real or apparent injustice to individuals; there must be anomalies in theory, and inequalities in practice. I do not mean that the anomalies of the present law may not be modified or diminished; but I agree with the noble Marquess, that by no alteration of the Bill can you impose a perfectly just, or even a reasonably just, measure. It is for this reason I rather agree with the theoretical objections of the noble Marquess to the tax, than I concur in the practical adoption of the course which he recommends. I find that Her Majesty's Government seem disposed to continue this anomalous and unjust measure—not as originally proposed by the late Sir Robert Peel—not as a temporary measure to meet a temporary deficiency in the revenue—but as a real, permanent, and substantial incorporation on the taxation of this country for the purpose of effecting what the noble Marquess calls a development of our existing commercial system. That which I take the House of Commons to have decided is this—not that the income tax shall not be renewed in any case at the expiration of a year—not even that if it be found impracticable to amend or remove the anomalies of the present tax, that tax, or at least a portion of it, shall not be continued; but I take the House of Commons to have decided, and as I think decided wisely, that they will compel a reconsideration of this question at the expiration of one year, and that they will not leave the Government in such a state of security with respect to this large portion of the revenue as to induce them to proceed in that reckless course of disposing of every petty surplus in such a way as indefinitely to postpone the period at which the tax might be altogether done away with. They have decided also, and as I think decided wisely, that during the year for which the tax is granted, they will inquire whether they can mitigate or reduce the many pressing grievances and inequalities of the tax as it now exists. I confess I very much regret the course adopted by the House of Commons in one respect. I confess I very much regret that they did not adopt the proposal made by a right hon. Friend of mine (Mr. Herries), namely, to begin at once with getting rid of a portion of this unjust and oppressive tax, either by an alteration of those schedules which act most oppressively, or by a reduction *pro tanto* in the whole of the tax. I regret that they did not begin by diminishing the pressure and amount of the tax, by applying to that reduction such an amount of income as might be fairly spared from the surplus revenue of the country, without endangering in the slightest degree the public faith, or the maintenance of the credit of the country. I believe that would have been the sound policy to have pursued. I believe the best course the House of Commons could have taken would have been to have declared that at the earliest possible period the pledge given by Parliament should be redeemed, and that this tax should not be continued for the purpose of enabling Her Majesty's Government to propose an indefinite remission of indirect taxation, and thereby to incorporate direct taxation as a part of the permanent financial system of this country; but that, on the other hand, no reduction should be made more rapidly than was consistent with the maintenance of the public credit. The House of Commons, however, have not taken that course; they have taken the course of recommending that the existing tax should be continued for a period of one year. They have not yet passed any opinion upon the other financial measures proposed by Her Majesty's Government. For my part, if it could lead to any practical result in your Lordships' House, I should be more willing than I am at present to enter into a discussion of the policy which the noble Marquess and his Colleagues seem disposed to pursue of wasting and sacrificing every surplus as it arises, and thereby, while they profess the utmost abhorrence of this tax, ensuring its continuance. The noble Marquess left it to be understood that there was to be an indefinite development, as he called it, of our existing commercial system—an indefinite removal of indirect taxation, and a substitution of direct taxation in its place—an indefinite extension and encouragement of the freest possible importation of foreign produce. Now, I say that financially and politically I think you have already carried that free importation of foreign produce to a dangerous and mischievous extent. You are sacrificing a large amount of revenue annually, the possession of which might enable you to deal with the most oppressive description of taxes; and while you are injuring a large body of your own producers in this country and your colonies, you are at the same time sacrificing your revenue, and you are not gaining in the shape of reduction in the price of commodities the whole advantage which could compensate for the loss of revenue you sustain. I apply this principle to the two cases to which the noble Marquess has referred—to the proposed reductions in the duties on coffee and on timber. My firm conviction is that by this reduction of the differential duty on coffee you will materially injure your colonial producer, and give an undue encouragement to his foreign rival; while you will not secure to the consumer of coffee the advantage of a reduction in price commensurate with the loss of revenue you will sustain. I know the noble Marquess will tell me of the great extent to which the consumption of coffee was increased by the former reduction of the duty—an increase which I do not deny—I know he will tell me that the present diminution in the consumption of coffee is not to be attributed to the operation of the duty, but is to be ascribed to the large amount of adulteration which prevails in respect of coffee. But that would be only raising another question, upon which I confess the policy of Her Majesty's Government appears to me to be absolutely incomprehensible. They refuse to take the slightest precautions against that adulteration which does not materially affect the higher and richer classes, but which practically enables the retail dealer to impose on the poorer classes of the community an adulterated and frequently a noxious article, while he charges for it the amount which might be fairly charged for the genuine article. I do not understand the policy of Her Majesty's Government in refusing to remedy this great abuse and this fraud on the humbler classes of consumers; nor do I understand how that evil is in the slightest degree to be remedied; while, at the same time that you continue the present charge on the importation of colonial coffee, and reduce the duty on foreign coffee, thereby sacrificing a considerable amount of revenue, you lower the duty on the very article which is mainly, though not exclusively, used for the purposes of that adulteration. I do not believe that the consuming classes in this country will derive the advantage which you anticipate from the proposed reductions of the duties on coffee and timber; while, on the contrary, it is perfectly clear, with regard to the duty on timber especially, that you will sustain a very considerable loss of revenue. I do not know how far the latest information which the noble Marquess may have received could justify the statement which he made upon that subject; but from the information we have received up to a very recent period, there does not appear to be any indication of a fall in the price of foreign timber in the slightest degree commensurate with the reduction of the duty. In this as in other cases, the price of the article is rising in the place of its production, and that which you sacrifice in the shape of revenue here, goes to a very considerable extent to increase the profits of the foreign producer. But, as I said before, I do not mean to enter at present into a general discussion of our commercial policy, as I am aware that such a discussion could lead to no practical conclusion. There is one question, however, to which the noble Marquess has referred, on which I wish to say a word. The noble Marquess took great credit to the Government for the reduction of one denomination of direct taxation, by which he considers that a great boon in a sanitary sense, as well as in a financial sense, will be bestowed on a large portion of the community. Now, I am not going here to say that I believe the mode in which the window tax operates is advantageous, or that it is not fraught with very serious evil; but I do say that when the noble Marquess takes credit to himself, and to Her Majesty's Government, for doing away with the window tax, I must remind him that to a great extent they propose to charge a similar tax on the same portion of the community, by the substitution of a house tax for the window tax, that portion of the community being but a small portion of the whole population of the country. I believe the window tax was chargeable on something like 500,000 houses; while the proposed house tax will be chargeable on 400,000 only; and therefore, although there is to be a reduction in point of amount by the conversion of the tax, there is still to be a direct tax charged, not upon windows, but upon houses with windows in them, exempting a small portion of the former number. I do not know why that exemption is made. I know not why you should sacrifice the revenue for the purpose of exempting just that class who claim to exercise the elective franchise, which has always been supposed to be correlative to taxation. I know not why you sacrifice gratuitously the amount of taxation you might obtain by extending the tax to all the houses which were subject to the window tax. That exemption may be very convenient to the constituents of some of the metropolitan Members, and that influence may not have been without its weight; otherwise I know not why the man who resides in a 20*l.* house should be subject to the tax, while a man who resides in a 10*l.* house, and as such is entitled to a vote, should be exempted from it, or how the Government can justify saddling so large an amount of taxation upon so small a body, and exempt from it 100,000 out of the 500,000 at present paying it. I think that, without sacrificing the revenue, you might have obtained to a great degree the sanitary objects you have in view. I believe that by the conversion of the window tax into a house tax, pressing on the same amount of property, and the same number of houses, you might have effected the change without any loss to the revenue, and without any injustice to individuals; or you might even retain for the present the window tax, and enable parties who are now liable to that tax to compound for the present amount, and permit them to open hereafter any number of windows they might think proper without being subject to the inquisitorial visit of the tax-gatherer. I do regret that Her Majesty's Government should be proceeding on what I think a vicious principle, namely, that while they profess that the income tax is but a temporary measure only, they should year by year continue disposing of every small surplus as it arises; taking off taxes the relief from which will not be felt; taking off taxes which will be attended with a loss to the revenue, and conferring a boon principally on the foreign producer, and so continually bringing down the revenue to balance expenditure, that it is hopeless that in any one year you can have a surplus sufficient to enable you to remove the income tax. Her Majesty's Government may make what professions they may think fit—they may make what declarations against the income tax they may please — the country will judge of their sincerity not by their professions but by their practice; and however strongly they may condemn the tax in theory, if the people of this country see that year by year they are taking steps, by their mode of disposing of every surplus, which will render it impossible for them to remove that tax, they will come to the not unnatural conclusion that, however theoretically Her Majesty's Government may object to it, practically they mean to continue it as a permanent tax, and to incorporate to a greater extent than has ever yet been done a system of direct taxation as the basis of our financial policy. These are the objections which I entertain to the course which is being pursued by Her Majesty's Ministers. I think you ought to have taken steps gradually but certainly to get rid of this tax at the earliest possible moment; but in the position in which your Lordships stand I should be very sorry to take upon myself the responsibility of advising or suggesting to your Lordships that you should reject a Bill which you are not able to amend, and the continuance of which is absolutely necessary for the maintenance of the public credit.

The EARL of MALMESBURY rose for the purpose of asking on what principle of assessment it was intended that the house tax should be collected? If it was proposed that it should be taken on the poor-law assessment, that would be very unequal, for the assessment varied in different parts of the country; and if the assessment to the income tax was taken as the basis of the tax, the inference would be drawn that it was intended to make the income tax perpetual, because no one would expect to see Commissioners appointed for the sole purpose of assessing the house tax.

The MARQUESS of LANSDOWNE was understood to say that the subject of the noble Earl's question was one which was rather for the consideration of the other House of Parliament; but he was induced to think that the system of parochial assessment now in force would be acted upon in assessing the new tax.

The EARL of MALMESBURY remarked, that if that was to be the system of assessment, a more unjust or tyrannical tax could not be imagined. The local assessments varied greatly in different parts of the country, and sometimes as much as 30, or even 50 per cent.

LORD BEAUMONT thought that the noble Earl had fallen into a little mistake, as in all parochial assessments the gross valuation of the property, or rack rent, appeared in the first column. In the second column the rateable value of the property was set down, which was generally a diminution of that put down in the first column. Under the second column an allowance was generally made on the different kinds of real property, and different principles were acted upon in different parishes. He quite agreed with the noble Earl in thinking that if the valuation in the second column were adopted, great injustice would be done, because one portion of the country would pay more than another. But the gross value of the property would afford materials for a complete and fair valuation, and that was the basis upon which he supposed it was the intention of the Government to proceed.

LORD BERNERS would have felt great reluctance in addressing their Lordships, but that he wished to make a few observations in consequence of the remark which he had heard with much pleasure fall from the noble Marquess who had introduced that measure, and which he had no doubt the country would hear of with equal satisfaction—namely, the admission which he had made that the present Bill had its imperfections, and that it was most desirable it should be made as palatable as possible. It was the bounden duty of the Legislature to enact as good laws as possible, and then to see them properly carried out. There was one point to which he was anxious particularly to call their Lordships' attention. He wanted to know whether there was any mode of preventing or meeting frivolous and vexatious surcharges other than that now provided? The manner in which the present tax was enforced was such as to incur the general disapprobation of every one who was more or less affected by it. It was most necessary that the tax should be rendered more equal and less unjust in its operation.

LORD MONTEAGLE agreed that it was desirable to diminish any oppressive incidence of the tax. He could not concur in the complaints of the noble Lord (Lord Berners) respecting the mode in which it had been collected. On the contrary, he must say that, considering the circumstances of its introduction, and the small experience possessed upon the matter, there not being one Gentleman remaining in office who had been acquainted with the previous tax, nothing could be more praiseworthy than the caution, the moderation, and good sense with which this law had been generally administered. There might be cases such as those to which the noble Lord had referred; but this was one of the incidents to any administration of a property tax; and if it was to exist at all, it would hardly be politic to diminish the powers for guarding against fraud, and for enforcing a tax so easily evaded. He should be sorry, in making this statement, to be considered as one approving of such a tax as this, except upon the ground of necessity. In great exigencies it was to be regarded as our great resource; and when the safety and independence of the country were concerned, objections vanished. In fact, it was almost analogous to the impressment of seamen. But both of these extreme methods of providing for public safety or public credit ought to be reserved for a great occasion, and should be limited to the exigency which called them forth; more especially we ought not to involve ourselves blindfold in a system of perpetuation under cover of a periodical renewal, without some attempt at a revision to see how a tax like this could be made just and equitable. The system of a property tax was even more dangerous when renewed for only a short period, because at every renewal, the Government, in order to induce Parliament to assent to its demand, must make sacrifices of other taxes, not because they disapproved of them, but because they were unpopular. This sacrifice was the more galling, because if these taxes had not been reduced, the country might have expected to have obtained, if not the remission of the whole burden of the income tax, at least the reconsideration of the most oppressive portions of it. How has this tax been already dealt with since its introduction by Sir Robert Peel? It was proposed for three years, and we had it for nine; it was estimated to produce less than 4,000,000*l.* a year, and it had produced above 5,000,000*l.*; the Government asked for 11,000,000*l.*, and had got 49,000,000*l.*; and yet it was now to be again renewed. And why? Because we had been in the meanwhile busy in repealing various indirect taxes. No doubt, 1842 presented a case of financial emergency; but, saying nothing of 1842 or 1845, it was impossible to deny that if we persevered after the fashion of 1848 no one could ever see any end to the continuance of the income tax. He thought that as a surplus arose, it would have been wiser to have mitigated the oppressive parts of the property tax, instead of taking off taxes which were hardly felt. Government proposed now to commute the window tax for a house tax; as long as the house tax was less than the window tax, people might perhaps be pretty well satisfied with the exchange; but the noble Lord and his friends knew very well that the repeal of the former house tax was forced upon a most reluctant Government; and when the new house tax got fully into play, we should have the same agency brought again into action, and probably with the same success, as in the case of the agitation against the former house tax. The small assessment of great houses would once more be produced as a grievance. Great mansions paid heavily to the window tax; but, taking the only just test, the test of value, and not of cost, the King's Arms or the White Hart in the county town would seem to pay in a greater proportion of house tax than the nobleman's castle or the country gentleman's house. It was quite right to give relief from the window tax with a view to purposes of health; but in this commutation the new tax would be placed in a position of greater financial danger than the old, and we should have a larger amount of the public revenue in a position of jeopardy. He was satisfied that if they wished to maintain the public credit, and the means of supporting the public establishments, they could not let the property tax remain on its present footing, at the risk of an adverse vote of the other House, or of an adverse pressure out of doors. Last year the Government, with the prospect of the discontinuance of the property tax before them, gave up 1,100,000*l.* of public revenue, including some 500,000*l.* or 600,000*l.* of stamp duties, for which repeal he had never heard any one out of doors express the least thankfulness. The step was indeed forced upon them; but other reductions were made which they were not compelled to make. In all, last year 1,100,000*l.* of the public revenue was given up; and he could not help thinking that the Treasury would have felt more at their ease if they had reserved the question of repealing this large sum till the present year, when the renewal of the property tax was before Parliament. He considered that it would be most dangerous to place the credit of the country to a great or an increasing extent upon the insecure foundation of direct taxation. In 1842 his noble Friend the Secretary for the Colonies (Earl Grey) expressed his sense of this danger, and called upon Parliament to consider what would be their situation if the oppressive nature of the income tax should make the country refuse to submit to its continuance, and how much embarrassment and how much danger to the national credit such a state of things would occasion. He thought, when they found the proposition by Government of an income tax for three years met by a Resolution of the other House that it should be continued for only one, that the results contemplated by his noble Friend were rapidly approaching, and that next year Parliament might determine that this tax should be altogether discontinued. He wished before he sat down to call their Lordships' attention to a singular fact. They had heard in the Speech from the Throne, and it was not denied on either side of the House, that the agricultural interest was at present suffering the greatest depression; while they had been told to-night that the interests of productive industry, as represented by trade and manufactures, were, on the contrary, flourishing. Now, it was in some measure a demonstration of the evils incident to the property tax, that that tax upon agricultural property, even in a time of distress, had gone on augmenting, while the amount of the same tax derived from other descriptions of property—trades, professions, and commercial profits, had diminished, although they were told those interests were most prosperous. He would take the comparison of two years. In 1843 the amount of property assessed to the income tax under Schedule A, which, however, he admitted, comprehended mills, buildings, and other things besides land, was 85,000,000*l.*, and in 1850 it had risen to 94,000,000*l.* He found that the property assessed under Schedule D, which included all the interests admitted to be most prosperous, had fallen off from 63,000,000*l.* in 1843, to 54,000,000*l.* in 1850. This had taken place concurrently with an increase in the official value of exports from 131,000,000*l.* in 1843, to 190,000,000*l.* in 1849, and an increase in the value of imports from 70,000,000*l.* in 1843, to 105,000,000*l.* in 1849. How was this to be accounted for, unless by an unjust assessment or levy of the tax? He considered that the general financial condition of the country was satisfactory; but he thought they ought carefully to consider whether a tax of the nature of the property tax should be continued upon light grounds, and especially upon a principle which extended to its perpetuation, or whether they should not reserve these extraordinary resources for great and important exigencies.

EARL GREY said, he merely rose for the purpose of alluding to the remarks which had been made by the noble Lord opposite with regard to the alleged grievance in the mode of assessing the income tax. The noble Lord complained of surcharges on the part of the surveyors, and he said that there ought to be some remedy in cases of these surcharges, as there was under the land and assessed taxes, and that the general body of the Commissioners should be allowed a voice in the matter. Now the difficulty in the case of the income tax arose from the fact that it had been considered, and in his opinion justly considered, necessary that a strict secrecy should be preserved with regard to the incomes of individuals, so that they should not be exposed to the disadvantage of having the exact amount which they paid as income tax exposed to the public; and in order to preserve that secrecy the Act of Parliament nominated seven Commissioners out of the general body of Commissioners of Land and Assessed Taxes, to whom appeals should be made in the first instance, with the opportunity of a further appeal to a Special Commission. He was afraid that, consistently with the object of having the income tax at all, more could not be done without the risk of interfering with that secrecy which it was agreed, on all hands, ought to be maintained. With regard to the observations of his noble Friend who had last addressed their Lordships, he (Earl Grey) certainly was not going to express any great difference of opinion from him in regard to his objections to the income tax as a peace tax. He had expressed his views upon that subject very strongly in 1842, and he still continued to entertain them; but he was bound to say at the same time that experience had convinced him that the immense advantage which had been gained to the country by means of this income tax was well worth the sacrifice which had been undergone for it. His noble Friend said that the income tax had been calculated to produce 3,700,000*l.* for three years, and that instead of that it had actually produced 5,500,000*l.* for a period of nine years. Now, he (Earl Grey) confessed it was the very productiveness of the tax which was one of the great reasons for reconciling him to it. When the imposition of this tax was first proposed, he thought it hardly worth while to submit to a scheme for increasing the revenue of the country so objectionable in its character, and so offensive in its mode of operation for the sake of 3,700,000*l.* of revenue; but when they came to consider the very much larger revenue derived by means of the income tax, and that they had been enabled by its aid to make reforms in our general financial system, these were results which were calculated to alter his original opinions on the subject. He had heard with extreme surprise from the noble Lord opposite, that the imposition of the income tax had only enabled them to get rid of taxes, the relief from which was felt by no one—

Lord STANLEY explained, that his remarks had reference only to the reduction of the duties on the two articles of coffee and timber during the present Session of Parliament.

Earl GREY would afterwards allude to the case of the duties on coffee and timber, but with regard to the past, he must remind the House of the statements already made by the noble Marquess near him, which seemed to him the most conclusive proof of the advantage which had been derived from the change in our commercial policy. The noble Marquess told the House that taxes had been removed since 1842 to no less an amount than 10,000,000*l.*, and, putting the income tax out of the question, we had only lost in revenue by that large remission of taxation, about 7,000,000*l.* While the public had suffered this diminution of revenue, they had gained, not 10,000,000*l.* but as he (Earl Grey) believed, very nearly 20,000,000*l.*, by the reduction of taxation; because, if they took into consideration the incidental disadvantages connected with those taxes which had been repealed—their pressure upon industry, their unequal distribution, and various other matters, he believed they would not be overstating that relief at 20,000,000*l.*, instead of 10,000,000*l.*; this enormous relief having been purchased at the trifling amount of 7,000,000*l.* His noble Friend who spoke last had gone into the question of the taxes which had the best claims to be abolished, and he had mentioned various taxes which he thought had been injudiciously remitted. He (Earl Grey) would not follow him into the general subject, but he must allude to one of those taxes which had been referred to, he meant the stamp tax. He owned he was surprised to hear his noble Friend, with his great experience, say that the alteration in the stamp duty was not worth the sacrifice of income which it entailed. He was afraid it was the fate of all Governments, and of all Chancellors of the Exchequer, to receive little more than censure in return for their exertions in the public service; but it was not thanks that they must look to as a reward. What they looked to was to be of use to the public; and considering the matter in that light, he would say that the remission of the stamp tax was well worth the sacrifice which it involved. For the schedule of the stamp duties was full of injustice and inequality; it pressed upon small transactions in a manner which rendered them very frequently impossible, and it presented obstructions in the way of a ready transfer of property, which was the life-blood of a commercial country. Now by the sacrifice of a small amount, they had put the stamp duties on a footing of fairness and equality; and at the same time it appeared, from reports received from solicitors and others throughout the country acquainted with the subject, that the effect had been to relieve transactions, and especially those of persons in the humbler ranks, to an extent of which it was difficult to estimate the importance. They might not perceive at once the full benefit of the change, but they might depend upon it every obstruction that they took away from the free career of enterprise and industry would be paid for at no distant period; and he believed that among the measures which had been passed with that object, few had been more beneficial than that which effected a change in the stamp duties. The noble Lord opposite must have misunderstood the remarks of his noble Friend when he represented the proposals of Her Majesty's Government as implying a determination gradually to get rid of duties on Customs, and to trust entirely to direct taxation. His noble Friend had expressly guarded himself against that interpretation, and he (Earl Grey) was at a loss to know where the noble Lord could have found any ground for it. But he might be allowed to point out the real principle of those measures. He considered that the object had been not to get rid of Customs duties, as distinguished from direct taxes, but to get rid of those taxes, whether Customs or Excise, which were obstructions to the industry of the country; and a very large portion of the revenue which the income tax had enabled them to sacrifice, had been derived, not from the Customs, but from the Excise, as for instance the duties on glass and bricks. There never were two taxes more wisely and judiciously repealed; and he would venture to say, there never were two taxes the removal of which had proved more beneficial in giving an impulse to industry. Their Lordships knew what a brilliant display the glass manufacturers were now making in this metropolis. The improvement in glass manufacture in this very city had been something almost inconceivable, and it dated from the time when the exciseman was taken out of the glasshouse. The duty on bricks had been repealed still more recently, and in one single year improvements and modifications had taken place in their manufacture, on the extent of which it would be difficult to speculate. As a landowner himself, and one therefore who felt the pressure of the times, he would state his belief that no tax could have been removed from the owner and occupier of land more beneficially than the tax on bricks; even living, as he did, in a county where stone was very plentiful, the advantage had been great, for it was obvious that where what the owners and occupiers of land had to trust to was improvement, facilities for building were of the greatest possible importance. With regard to the taxes which it was proposed should be altered in the present year, the noble Lord found great fault with the repeal of the duties upon coffee and upon timber. In the first place, he had stated that no advantage had been derived from the reduction of the duty upon timber. Now, on Saturday last, he (Earl Grey) had been reading a circular of one of the most eminent houses on the state of the wood trade, in reference to the reduction which had been practically in operation for some weeks. And, first, with regard to colonial timber, the circular stated that no reduction had taken place in its price. That result he fully anticipated, because for some years our imports of colonial timber had been confined to timber of peculiar qualities, with which Baltic timber came very slightly in competition, so that the alteration had not affected colonial timber at all, and therefore had done no mischief to the Colonies. But the reduction in the price of Baltic timber in some kinds of wood had been two-thirds, in others one-half, of the duty taken off, while, in some other kinds of wood, the falling price was equivalent to the whole of the duty remitted. He believed that that was a result even more satisfactory than the Chancellor of the Exchequer had ventured to expect. Then, with regard to coffee, the noble Lord stated that the reduction of duty would be injurious to the Colonies. He (Earl Grey) had had some communications with gentlemen who were interested in the colonial produce of coffee, and though he knew it was not common for persons engaged in any particular trade to recognise the advantages of a reduction of protection, he might say that he had not heard from any of those gentlemen that any disadvantage could result to them from this measure. And the reason was plain. Ceylon alone produced a larger quantity of coffee than this country consumed; and, in such a state of things, it was evident that protection must be valueless, for there must be always a surplus. But, on the other hand, the reduction of the duty would be of infinite value to the Ceylon planter, because it would extend the consumption, and increase the total amount produced. Then the noble Lord complained that the Government refused to do what was really wanting for the interests of the planter by checking the adulteration of coffee, and he seemed to imply that the adulteration was rather favoured than otherwise by Her Majesty's Government. He (Earl Grey) thought, if the noble Lord had looked more closely, he would have found the real fact to be, that the Government did not favour the adulteration of coffee, but that both the present Administration and the two which had preceded it, felt that practically it was totally impossible by legislative restriction or interference by excisemen to prevent that adulteration. He was afraid that adulteration was not confined to the article of coffee alone, but was too common in many other things. He had been shown a certain kind of chalk or limestone, the other day, at the Museum of Economic Geology, and upon asking what it was used for, he was informed that it was principally employed to adulterate the best Durham mustard. He thought the truth was, that with regard to adulteration, the only remedy lay in the hands of the consumer, who, if he took care to deal only with respectable tradesmen, would not be given an adulterated article. But as far as the present measure went, it was calculated to check the system of adulteration, for every thing which diminished the price of real coffee would make it less profitable to adulterate that which was sold to the public, and in that way he thought the reduction of duty would be attended with very great advantage, and he thought that was in every way a better system for the advantage of the poor consumer than a system which would require the constant visits of the exciseman to every grocer's shop throughout the country. He would only add, in reference to the observations of his noble Friend who spoke last (Lord Monteagle), on the wisdom of establishing so important a tax as the income tax for the space of a single year, that he entirely concurred in those observations. He certainly thought that it was a most dangerous restriction, but their Lordships were aware that it was one for which Her Majesty's Government were not responsible.

On Question, *agreed to:* Bill read 2ª accordingly, and committed to a Committee of the whole House *To-morrow*.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 19, 1851.

MINUTES.] NEW WRIT.—For Clackmannan and Kinross, *v.* Sir William Morrison, deceased.

PUBLIC BILLS.—1° Woods, Forests, &c.; New Forest Deer Removal, &c.

2° Gunpowder Stores (Liverpool) Exemption Repeal.

DINGLE WORKHOUSE—PROSELYTISM.

MR. REYNOLDS said, he had given notice that it was his intention to ask the right hon. Baronet the Chief Secretary for Ireland a question respecting the investigation held in the Dingle workhouse, county of Kerry—namely, whether the Protestant chaplain and other paid officials, alleged to have bribed Catholic paupers to become Protestants, were still continued in their respective appointments? He wished also to know whether Sir Thomas Ross, one of the parties arraigned, was still retained in the pay of the Poor Law Commissioners? Whether the Rev. Mr. Lewis and the Rev. Mr. Goodman were retained as chaplains of the workhouse? And whether two men named Lacy and Leitch, Bible-readers, and officers in connection with the workhouse, were still retained there? He asked these questions of the right hon. Baronet in his capacity as Secretary for Ireland, and not as a Poor Law Commissioner.

SIR WILLIAM SOMERVILLE replied that the hon. Gentleman had asked him a great many questions of which he had not given notice in the notice paper, and some of the questions were very difficult to answer without entering largely into the subject to which they referred. He had seen the papers relating to these transactions, which were themselves of a very recent date; and the correspondence regarding it had not yet been completed. He believed that a complaint had been made by the Roman Catholic chaplain that money had been distributed by the Protestant chaplain to persons in the workhouse. An inquiry was ordered by the Poor Law Commissioners into this circumstance, and evidence taken upon it; and it appeared that money had been distributed—that the Protestant chaplain of the workhouse, the Rev. Mr. Goodman, and his curate were in the habit of distributing money to the Catholic paupers; but it did not appear that this money was distributed for proselytising purposes, and any such intention was denied upon oath by the Rev. Mr. Goodman. There could be no doubt but that such a practice was most objectionable, and that it tended to destroy the discipline of the workhouse, and that it might lead to great evils. The Poor Law Commissioners had therefore addressed a letter to the Rev. Mr. Goodman, in which they insisted that such practices should be discontinued; and upon the answer received by the rev. gentleman would depend what course might be taken. He believed that the charges against the other gentlemen of the establishment had been abandoned. As to Sir Thomas Ross, he had not been for more than a twelvemonth in the employment of the Poor Law Commissioners.

MR. REYNOLDS wished to know if there would be any objection to produce the copy of the sworn evidence before Captain Sparkes?

SIR WILLIAM SOMERVILLE said he had no objection to produce it.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Motion made, and Question proposed, "That the Preamble be postponed."

MR. REYNOLDS said, he felt it his duty to move that Mr. Bernal do now report progress. It would be in the recollection of the Committee, that on the last night that he had the honour of addressing the Chairman of the Committee on this question, there was an unanimous understanding entered into that the Chairman should be permitted or directed to report progress, and that in the interim the noble Lord at the head of the Government would put the Bill in the shape in which he intended to propose it to the House. There was an understanding that he (Mr. Reynolds) and those hon. Members who usually acted with him should not oppose the Motion that Mr. Speaker leave the Chair; and he might say that they had not violated that understanding. He (Mr. Reynolds) might probably leave himself open to a charge of not having violated that understanding in letter, but of having violated it in spirit. [*Ironical cries of* "Hear, hear!"] He might as well anticipate the objections which hon. Members who cheered him ironically would make in the course of this debate; but he trusted he should be able not only to justify himself with the Committee, but with those numerous persons outside the Committee who were opposed to the Bill, in the course he proposed to adopt. The Bill he now held in his hand was not the Bill that was first laid on the table. It was not only not the first Bill, but it was not even the second. The noble Lord (Lord John Russell) had scarcely disclosed the provisions of the first Bill, until the right hon. Secretary of State for the Home Department backed out of two of the clauses. The right hon. Gentleman said he should be satisfied with the first clause, omitting the second and third. During the progress of the debate, the hon. and learned Member for Midhurst (Mr. Walpole) placed on the notice paper certain very serious and important Amendments. The noble Lord (Lord John Russell), anticipating considerable discussion in that House with regard to those Amendments, adopted a short course, or rather what they called on the other side of St. George's Channel, a short cut across the fields, for he said he had placed the hon. and learned Attorney General in communication with the hon. and learned Member for Midhurst, who would settle the clauses between them. Now, being one of the defendants in this very heavy cause, he was beginning to be alarmed when he found both sides of the House agreeing in an act of aggression against civil and religious liberty, and when he found in this Bill the first fruits of their labours. He found in the first clause that the hon. and learned Attorney General had made his arrangement with the hon. and learned Member for Midhurst, for the first clause stated—

> "The said brief, rescript, or letters apostolical, and all and every the jurisdiction, authority, preeminence, or title, conferred or pretended to be conferred thereby, are, and shall be, and be deemed unlawful and void."

That was what he (Mr. Reynolds) called the Walpole clause. Then he found there was another clause of a most insulting nature to him (Mr. Reynolds) and his co-religionists—he meant that relating to the Scotch bishops. The right hon. Secretary of State for the Home Department had converted his proviso in favour of the Scotch Episcopal bishops into a clause; and what did that clause say? Why, that—

> "This Act shall not extend or apply to the assumption or use by any bishop of the Protestant Episcopal Church exercising episcopal functions within some district or place in Scotland, of any name, style, or title, in respect of such district or place; but nothing herein contained shall be taken to give any right to any such bishop to assume or use any name, style, or title which he is not now by law entitled to assume or use."

That was what was called making fish of one, and flesh of the other. That was a clause to protect the Protestant Episcopal bishops of Scotland from any pains and penalties arising from their legislation. Would the right hon. Secretary of State for the Home Department — would the noble Lord at the head of the Government, his official superior—consent to a similar clause in favour of the Roman Catholic bishops of the United Kingdom? They would not, because their object was to coerce them. But, as another reason why the Chairman should report progress, there were several Amendments to be proposed, and those Amendments as they were printed, did not apply to the Bill in its present shape. Would it not, therefore, be reasonable that the Chairman should report progress, and ask leave to sit again? He (Mr. Reynolds) did not care how soon—say to-morrow—in order that hon. Members who, like himself, were vitally affected by this Bill might have sufficient time to consider it in its amended shape? In the early part of his observations he was led by an ironical cheer to say it would be probably held that he had violated the understanding come to on Friday night. He believed this Bill was of so objectionable a nature that he would be justified in putting all the forms of the House into operation, if he thought he could save his fellow-countrymen from the infliction of so obnoxious a measure. The Irish Brigade, as it was called, of which he had the honour to be a member, had been scolded and attacked by that hundred-tongued monster the public press; and one journal, more remarkable than the rest for the versatility of its abuse, had, the other morning, devoted an entire column to scolding him and others. That journal, the *Times*, talked of wasting the time of the House, and of the melancholy falling-off in talent of Irish Members of Parliament. It talked of his hon. Friend the Member for Mayo (Mr. Moore), his hon. and learned Friend the Member for Athlone (Mr. Keogh), and himself, occupying the time of the House, and said they had not now the brilliant Irishmen of former days, the Currans, the Grattans, the Sheridans, the O'Connells, and a whole host of Irish senators illustrious for their eloquence. But suppose he (Mr. Reynolds) retorted on that organ, and asked, pointing to the Treasury benches, where were the Foxes, the Pitts, the Burkes, and the Wyndhams—that galaxy of political glory which shed honour on the character of the statesmen both of the Whig and Tory school? Where? Echo answered, Where! If Irishmen had deteriorated, there appeared also to be a kind of *pari passu* deterioration among the English band in that House, for among the leading magnates of the present day he found none equal to those of a former one. He hoped that would be a sufficient answer to that charge. The noble Lord (Lord John Russell) had charged him (Mr. Reynolds) and those with whom he acted with pursuing a vexatious course, and with wasting the time of the House. They had not wasted any of the time of the House yet. It was quite time enough to begin. He held in his hand a most illustrious and respectable precedent: It was the first volume of Lord Brougham's speeches, edited by himself; and he (Mr. Reynolds) would turn to a passage in it for a precedent to prove that what he (Mr. Reynolds) and his hon. Friends might do hereafter had been done heretofore, and that the noble Lord himself was a party to certain vexatious proceedings. [An Hon. MEMBER: No!] Well, if he was not a party to those proceedings, he ought to have been. The passage was contained in an introduction on the "distresses of the country in 1816, and the method of successfully supporting the people in Parliament." The subject on which the time of the House was wasted on that occasion was a question of heavy taxation, from which it was sought to protect the people; and if hon. Members were justified in wasting the time of the House at that period, on a matter of that nature, how much more were they justified in doing so when their object was to protect their religious liberties from an oppressive coercion? Lord Brougham said—

"The Opposition took the alarm, and Mr. Brougham declared, on presenting a petition numerously signed from one of the London parishes, that if the hurry now indicated should be persevered in, he should avail himself of all the means of delay afforded by the forms of the House. Lord Folkestone (now Earl of Radnor), one of the most strenuous and in those days one of the most active and powerful supporters of the popular cause, vigorously seconded this menace, in which he entirely joined. On the next day more petitions were flung in; more discussions took place, and the Government postponed for a week the introduction of the Bill. The week proved quite decisive; for so many meetings were held, and so many petitions sent up, that the Bill was put off from time to time, and did not finally make its appearance till the 17th of March. Above six weeks were almost entirely spent by the House of Commons in receiving the numberless petitions poured in from all quarters against the tax. For it was speedily seen that the campaign of 1812 was renewed, and that the same leaders, Messrs. Brougham and Baring, had the management of the operations. At first the Ministers pursued the course of obstinate silence. The Opposition debated each petition in vain: every Minister and Ministerial Member held his peace. No arguments, no facts, no sarcasms, no taunts, could rouse them; no expression of the feelings of the country, no reference to the anxiety of particular constituencies, could draw a word from the Ministers and their supporters. At length it was perceived that their antagonists did not the less debate, and that consequently the scheme had failed in its purpose of stifling discussion. The only effect of it, then, was, that all the debating was on one side, and this both became hurtful to the Government in the House, and more hurtful still in the country. They were forced into discussion, therefore; and then began a scene of unexampled interest, which lasted until the second reading of the Bill. Each night, at a little after four, commenced the series of debates which lasted until past midnight. These were of infinite variety. Arguments urged by different speakers; instances of oppression and hardship recounted; anecdotes of local suffering and personal inconvenience; accounts of the remarkable passages at different meetings; personal altercations interspersed with more general matter—all filled up the measure of the night's bill of fare; and all were so blended and so variegated, that no one ever perceived any hour thus spent to pass tediously away. Those not immediately concerned, peers, or persons belonging to neither House, flocked to the spectacle which each day presented. The interest excited out of doors kept pace with that of the spectators; and those who carried on these active operations showed a vigour and constancy of purpose, an unwearied readiness for the combat, which astonished while it animated all beholders. It is recounted of this remarkable struggle, that one night towards the latter end of the period in question, when at a late hour, the House having been in debate from four o'clock, one speaker had resumed his seat, the whole Members sitting upon one entire bench rose at once and addressed the chair—a testimony of unabated spirit and unquenchable animation which drew forth the loudest cheers from all sides of the House. At length came the 17th of March, the day appointed for the decision, but it was soon found that this had been, with the debate, wholly anticipated. The usual number of petitions, and even more, were poured thickly in during some hours; little or no debating took place upon them; unusual anxiety for the result of such long-continued labour, and such lengthened excitement, kept all silent and in suspense; when, about eleven o'clock, Sir William Curtis, representing the city of London, proceeded up the House, bearing in his arms the petition, which he presented without any remark, of the great meeting of the bankers and merchants holden in the Egyptian Hall, and signed by twelve thousand persons. The division took place after a debate that did not last half an hour; no one, indeed, could be heard in an assembly so impatient for the decision; and by a majority of thirty-seven voices the tax was defeated for ever, and the wholesome principle, as Mr. Wilberforce well observed, was laid down that war and income tax are wedded together. The same display which led to such important and even glorious success to the cause of the people, in an unreformed Parliament, is to the full as requisite now, and would produce, if possible, greater results. Neither slavery, nor limited suffrage, nor petty constituencies, nor refusal of the ballot, would stand before it half a Session. But unhappily it has seemed good to Whig Government that they should adopt a course of proceeding which renders all the tactics of 1812 and 1816 impracticable. Forgetting what it was that raised them to power, the remote cause of the Tory downfall, the policy which produced all the triumphs of liberal opinions; forgetting, too, that though now in office, they may to-morrow be restored to that Opposition from which the triumphs of 1812 and 1816 raised them—they have resolved that no petition shall now be discussed—that whoever presents it shall merely state its substance, after telling the body and the place it comes from—and that no other Member shall make it the subject of any observation. To this plan for stifling the people's voice, and giving the Ministers of the day and their majority in Parliament an absolute control over the policy of the empire, disarming the Opposition of their main weapons, and shearing the people of their chief strength, the Speaker, Mr. Abercromby, has unhappily lent the support of his authority, if he was not indeed the author of the scheme. It is of little moment to reflect that, but for the policy of former and better times, this distinguished and excellent person would now have been in the honourable but cheerless exile of an Edinburgh sinecure Judgeship, as his Ministerial coadjutors would have been doomed to exclusion from power on the benches of an eternal Opposition. It is of more importance to remark that, unless a speedy end is put to the present course of proceeding, the mainstay of English liberty, the only effectual safeguard against misgovernment and oppression, is taken from the people of these realms."

Now, having read the opinion of the former Mr. Brougham, he asked the noble Lord whether it was fair or reasonable to taunt the Irish Members with a course which, after the lapse of twenty years, met the approval of a distinguished statesman of the Whig school? The noble Lord taunted them with wasting the time of the House, because they did that which his own bad policy forced them to do, namely, read the notes of the petitions and the prayer with which they concluded. The noble Lord said, "When I recollect the mode adopted in presenting petitions, I cannot consent to the adjournment." Lord Brougham expressed his opinion that since the privilege had been deprived the people of reading petitions and raising debates upon them, the presentation of petitions was so much waste paper; and his (Mr. Reynolds') short experience in that House showed him plainly that it was not only waste paper, but mere mockery, to present petitions at all. It was already upon record that petitions against this Bill had been presented signed by upwards of 1,000,000 of persons. He should be glad to know what weight was attached to those petitions. Why, it was notorious that much more weight would be attached to the signature of the Bishop of Durham or the Bishop of London, than to all the petitions he had presented. They might be told that pursuing a hostile course would detach English voters from them. Such a result as that he should much regret; but let him ask how many English votes they had in that House? On one occasion they had divided 400 to 60—and of that 60, upwards of 45 were Irish, the remaining 15 only were English Members. On the Religious House Bill the other night he found 91 Members voting for that insult to the houses and sanctuaries of female piety, chastity, and virtue. Of that 91, not less than 81 were English Members; whilst in the majority of 130 there were 42 Irish Members, the remainder being English Members. He should now be glad to know why the Government, having opposed that Bill, had not brought down their whippers-in on the occasion to swell the majority against that measure? There were 42 Irish Members in that majority, and were it not for their attendance he believed that vulgar attempt to insult the ladies of his creed in the discharge of their pious duties, would have received the sanction of the House, because there was a decided majority of English and Scotch Members in its favour. He trusted that the noble Lord would not object to the proposal that the Chairman report progress. He did not wish to offer any factious opposition; but, on the ground that they had not sufficient time to consider the Bill in its new shape, he hoped the Government would concede his proposition.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

Sir GEORGE GREY said, he would not argue whether the course pursued by the hon. Gentleman was or was not in accordance with the spirit of the understanding at which the House arrived on Friday evening, but was quite willing to leave that question to the decision of the Committee. If the hon. Gentleman thought that the time had come for a revision of the Standing Order, which was adopted by the general assent of the House, and not at the dictation of the Whigs, some years ago, with respect to the presentation of petitions, it was perfectly competent for him when Mr. Speaker was in the Chair to ask the opinion of the House upon it; but he (Sir George Grey) trusted the Committee would not at present be led into a discussion either upon that question or upon the provisions of the Bill by means of the present Motion; which, whatever might be the object of the hon. Gentleman (and he disavowed all factious motives), could have no other effect than that of violating the spirit of the understanding and strict arrangement entered into on Friday evening.

The **Earl of ARUNDEL and SURREY** had risen at the same time with the right hon. Baronet to second the Motion of his hon. Friend the Member for the city of Dublin (Mr. Reynolds), which he did not believe was at variance with the arrangement which had been come to on Friday night. It had been arranged that no opposition should be made to the Motion that Mr. Speaker leave the Chair, and that the House should go into Committee; but after that arrangement had been carried out, every Member had a right to pursue any course which he might think fit. For himself he thought it a reasonable request on the part of the hon. Member for the city of Dublin; and he (the Earl of Arundel and Surrey) was not, nor never would be, a party to any factious opposition. However, he saw no reason why this Bill should not have been in the hands of Members on Saturday morning. They had now laid before them a very different Bill from that originally introduced, and it even came into their hands rather later than usual. It only reached them that (Monday) morning, and many Members of the House, like himself, were prevented from looking at it, being engaged all day upon the business of the House. He denied the charge of infringing on any arrangement, and repudiated the accusation of their opposition being factious, or being of any other kind than legitimate.

Mr. ROEBUCK wished to disclaim any factious opposition. He had only simply expressed his opinions, and he hoped he had not been guilty of factious opposition. He wished to inquire whether, on the present occasion, the request of hon. Gentlemen was unreasonable. When they came to read the clauses of the Bill, could any man say that they were in a position to discuss them step by step, especially after the very short time they had been in their hands? Allowing, however, it was otherwise, there were propositions in the Bill which, if they had any sense at all, were of vital importance, as they struck at the very existence of the Roman Catholic faith in this country. They ought to know whether the fact was so or not. It was their duty to get something like a fair declaration from the noble Lord at the head of the Government, or the law officers of the Crown, of the nature of the Bill. It was a new Bill. It was not the old one. And this was what he complained of in the whole administration of the noble Lord. He was in the habit of coming down to the House with one proposition, which he argued and enforced with all the strenuousness of his nature, and on which he brought all his feelings into action—a power which he so well knew how to avail himself of. Then he changed his plans and his Bill accordingly. On this very subject he had changed his policy three separate times. The Bill was not now what it was upon the first occasion it was introduced; on the second occasion it was a new Bill—the spirit of it had been changed—and they had a right to discuss that Bill with a view to understanding it. For his part, he felt totally incompetent to understand it, and he was quite sure that if the law officers of the Crown were called upon to explain the force of the new changes, they would not be able, at the present moment, to give the satisfaction which that House required.

Mr. GLADSTONE: The course which the hon. and learned Gentleman (Mr. Roebuck) had referred to was that which he (Mr. Gladstone) should be disposed to recommend. He should support the Motion before the Chair, as he did not think it would be consistent with the understanding that was come to on Friday to bring forward any Amendment now for the purpose of obstructing the progress of the Bill in Committee; and though hon. Gentlemen might have made an imprudent arrangement, he would advise them to adhere to it, and at the proper time they would be justified in demanding some days' delay for the consideration of the legal effect of the alterations which had been made in the Bill. But what he would propose was what the hon. and learned Gentleman (Mr. Roebuck) had suggested, namely, to call upon the law officers of the Crown, or some Member of the Government, to give to the Committee their general view of the legal bearing of the changes made in the measure; and he, for one, could not consent to proceed with the Bill in detail until that was done. And for this reason, that if they did, they would be at the mercy of the first hon. Member who might hereafter rise to move some verbal Amendment, and upon that raise a discussion upon the general question as to the effect of the Bill without the House having the advantage of any explanation from the Government of what in their view the legal effect would be. The Committee should not lose sight of the fact that the progress of this Bill was unexampled in Parliamentary history. After three months' investigation on a subject of vital importance, and of a most delicate nature, Government introduced a Bill adequate, as they said, and no more than adequate, to the occasion. That Bill consisted of three clauses: the first imposing penalties upon the assumption of titles under the Papal rescript; the second annulling all writings or deeds done in respect to titles assumed under such rescript; and the third cancelling all bequests made in favour of persons assuming titles under such rescript. The vote in favour of the introduction of the Bill was given by an almost unexampled majority—a majority of six to one—a testimony, he was willing to admit, of strong national feeling on the subject. The Government, having that vote of six to one in their favour, thought fit, after the lapse of a short time, to announce the withdrawal from that Bill of the two most stringent out of the three operating clauses. A great and fundamental change was then made in the measure; and he was bound to say that the right hon. Baronet the Home Secretary, on the part of the Government, explained in full what was the nature of that change, and the operation he thought it would have on the Bill. But such a change, however great and unfortunate—and every great change, after its introduction by the Government, was unfortunate, even if unavoidable, in a measure which nearly and deeply touched the religious tenets of large masses of the people—but however great and unfortunate, he was far from saying that such a change was altogether without example. But what was without example was, that the Government, having after three months' deliberation, introduced their measure, and having afterwards changed it so as to alter its very essence in the way of relaxing it—that they should then on their own Motion, and not on a vote of the House of Commons, introduce new Amendments not in the sense of the former Amendments — that of relaxing—but in the sense of greatly binding and enhancing the stringency of the measure. He believed he was right in saying that the introduction of the clause of the hon. and learned Member for Midhurst (Mr. Walpole) would have the effect of binding and enhancing—if not, he should be glad to hear arguments to convince him of his error; but he thought there was no lawyer who would not admit that the introduction of an enactment annulling the rescript was an essential change in the Bill, and a change in the direction he had stated. Then he wanted to have the precise legal bearing of the change which had been thus made in the Bill, in order that they might be able to enter upon the discussion of the details. He would state his opinion of the change from the Bill as first introduced—from the first edition of the Bill. In that edition it was provided that all writings and documents executed by persons under the Papal rescript should be void. But they were told that that would interfere with the rights of the Roman Catholic Church, and that part of the Bill was accordingly withdrawn. Now, his object in rising was to receive some information as to the bearing of these changes—what effect they would have in rendering the Bill similar to the one first introduced, and whether the effect of the second clause was brought back by making the whole three clauses into one, or whether the objection was got over by such a mode of phraseology? The mysteries of the law on all occasions filled with fear and horror all those who had to deal with it; but if ever they seemed formidable in appearance, it was at the present moment. Whatever might be the difference of opinion amongst lawyers—if no two of them could be found to agree upon the legal bearing of the Bill, the more necessary was it that they should be informed of what the views of the Government were in making these Amendments. He would state what, as it appeared to him, would be the effect. Imperfectly informed, as he necessarily was, he confessed there was much to be said on the part of those who, thinking a penal Act necessary, determined to support the Amendment of the hon. and learned Member for Midhurst, for if there were an occasion (which he, however, denied this to be) for retracing their steps and entering again on a course of penal legislation, whatever they did they should take care not to make the law a mockery, but give it an intelligible and legislative principle. The hon. and learned Member for Midhurst declared by his Amendments that the brief or rescript of the Pope, appointing the hierarchy, was illegal, and, consistently enough, that all other rescripts and briefs issuing from the Pope were illegal. The Government, in their dilemma, appeared to have adopted the clause of the hon. and learned Gentleman which made the rescript illegal. On that, he (Mr. Gladstone) would put two questions to the Government. As he understood, another rescript had been sent forth by the Pope posterior to that appointing the hierarchy in England, relating to Ireland, with regard to which, if they were to observe uniformity of legislation, some attention was necessary. What was that rescript? It was, as he understood it, to abolish the jurisdiction of the Roman Catholic bishop of Cloyne, in Ireland, over the diocese of Ross, erecting a new see of Ross, and constituting a new diocese. The main difference, he believed, between this case and that of the rescript establishing the hierarchy here, was that this had been done at the request of the Roman Catholics of Ireland; but the acting power which gave force to the instrument was the same in both rescripts. Now, were they to legislate so as to give uniformity of legislation in both these cases, or were they, by their legislation, to annul the one rescript and leave the other in full force? He wished to have it explained what the intentions of the Government were in this respect. There was another question. By the first clause of the Bill as it now stood amended, the rescript of September last was declared null and void; and all jurisdiction exercised by the Pope by any bull or rescript would be similarly nullified. But the enacting force of both rescripts was identically the same; and yet, whilst they were going to legislate against Papal rescripts affecting England, they were about to leave unquestioned the power of the Pope to issue rescripts with regard to Ireland. There was another point which he wished to have explained. By the first clause, as it stood, the Papal rescript of September last was declared to be unlawful and void; but he understood that the Government declined to introduce the Amendment of his hon. and learned Friend the Member for Midhurst, in which he provided that, not only with respect to the rescript of September, but also with respect to all future rescripts for similar purposes, any party who should obtain them, or bring them into the kingdom, or should attempt to give effect to them, should be liable to prosecution. Now, let the House consider in what position Her Majesty's Government had placed themselves. The rescript issued in September last they declared to be unlawful and void; but if it should please the Pope to exercise his discretion, and issue, if not a rescript in the very same terms, at any rate one to the same effect, doing the very same thing with a different date—would such rescript by this Bill be made illegal and void? [The SOLICITOR GENERAL intimated that it would.] Then let the hon. and learned Gentleman give the Committee the benefit of his opinion. If he was to understand the hon. and learned Gentleman to give it as his opinion that, because they declared in an Act of Parliament a certain rescript, there specially referred to, to be illegal and void, they declared other rescripts not there mentioned to be illegal and void also, let them hear it on the authority of the law officers of the Crown, or of some Member of the Government. But if that was not the view—if the intention was to deal with the past, but to leave all future rescripts of the Pope to take their course—that would be to assume a position which would be ridiculous in the face of the world. He thought he had stated sufficient to justify the request which he had made, which was, that either the noble Lord (Lord John Russell) or the right hon. Gentleman the Home Secretary, or one of the law officers of the Crown, would explain to the Committee what, in their view, was to be the legal character of the Bill as it now stood, or whether the effect of Clauses 2 and 3 of the original Bill, the exclusion of which was thought of so much importance, whether they were to be brought back by the present clause, which had been borrowed from the hon. and learned Member for Midhurst, and whether the enactment of the clause which provided retrospectively for annulling the rescript of the Pope, would have a prospective operation annulling future rescripts; and, lastly, whether it was intended to annul these rescripts as to England, leaving in full force and effect rescripts having a similar character, and almost of the same date, erecting episcopal jurisdictions in Ireland? He would suggest to the hon. Gentleman the Member for the city of Dublin (Mr. Reynolds), that according to Parliamentary practice, any Member pledging himself not to oppose Mr. Speaker's leaving the chair upon any Bill, was understood to pledge himself not to prevent the consideration of the details of such a Bill in Committee.

LORD JOHN RUSSELL: Mr. Bernal, I think the Committee have now two questions to consider, which, I submit, ought to be kept entirely separate from each other. First, we have the question of the hon. Gentleman the Member for the city of Dublin (Mr. Reynolds), who proposes that, instead of your formally moving that the Amendments should be read a first time, you should report progress, and ask for leave to sit again. I differ from the noble Lord the Member for Arundel (the Earl of Arundel and Surrey) on the propriety of the course which he proposes that we should take. I certainly could not agree to that course, because I have no security whatever, that when we come on Friday night next to consider this Bill, the noble Lord might say, " without taking a factious course, I shall feel it my duty to move that the Chairman should leave the Chair to enable him to report progress." We should then be placed in the same position as that in which he wishes us now to place ourselves. The right hon. Gentleman (Mr. Gladstone) takes another course. He says that, before the House is called upon to adopt the Bill in its present shape, some explanations of its probable legal effects ought to be made by some Member of the Government. Now that, I think, is a reasonable request. I think, that if the hon. Member for the city of Dublin would consent to withdraw his Motion, and allow the Committee to proceed to a discussion of the clauses, when we came to read them, my hon. and learned Friend the Attorney General should explain to the Committee the view that he takes of the clause proposed by the hon. and learned Member for Midhurst (Mr. Walpole), and what may be its legal bearings. There is one thing, I must observe, that I think it is very evident that the right hon. Gentleman (Mr. Gladstone) has never read the preamble of the Government Bill, although since February it has been in the hands of hon. Members. It is quite clear that he would not have made the observations which he has made, with respect to the various clauses, if he had read the preamble of this Bill. However, I will reserve the discussion of that question until the Committee has disposed of the Motion of the hon. Member for the city of Dublin.

The EARL of ARUNDEL and SURREY said, under no circumstances could the noble Lord have any security that no hon. Member would move that Mr. Speaker should not leave the Chair.

MR. ROEBUCK conceived that the Committee was called on to consider a new Bill; they were therefore entitled to expect a general statement of its objects from the law officers of the Crown, after which the Committee should be allowed to consider the statement and the Bill together. He disclaimed any factious opposition.

LORD JOHN RUSSELL: I do not consider this a new Bill.

SIR R. H. INGLIS differed from the noble Lord the Member for Arundel, that the course now pursued by the opponents of the Bill was not a violation of the arrangement come to on Friday; nor did he admit that the Bill as it now stood was altogether a new one, as the hon. and learned Member for Sheffield (Mr. Roebuck) contended. On the contrary, he thought there was such a general identity between the provisions of the Bill, as originally brought in and its present clauses, that the Committee would be fully justified in treating it as the same Bill. He should vote for proceeding with the measure; for, imperfect as it was, it was better than anything they could hope for from those who opposed it.

MR. P. HOWARD observed, that though the second reading of the Bill had been affirmed by a majority of six to one, the committal of the Bill—the stage which went to the realisation of the purpose intended by it—had only been carried by about one-sixth of the representatives of the people. England was the last of the great Powers of Europe which had affirmed the great principle of religious liberty. In the case of the concordats between Tuscany and Spain with Rome, the ungenerous system of restrictions had been abandoned. If the law officers of the Crown would not vouchsafe to give the House the least explanation as regarded the penal enactments of the present Bill, he thought his Irish friends would be fully justified in pushing their Amendments to a division.

MR. HORSMAN said, that if the hon. Member for the city of Dublin would withdraw his Motion so as to enable the statement to be made by the hon. and learned Attorney General, in accordance with the suggestion of the right hon. Gentleman opposite (Mr. Gladstone), to which the noble Lord (Lord John Russell) had acceded, the hon. Member would not be in a worse position than he was at present. As some misunderstanding seemed to exist as to what happened on Friday last, and as he was present on the occasion, he wished to observe that the statement of his noble Friend behind him (the Earl of Arundel and Surrey) as to the arrangement entered into on that occasion was correct. The hon. Gentlemen who were concerned in the arrangement, stated, on that occasion, that they agreed to the noble Lord's suggestion, on condition that on Monday they would not be bound by it, beyond the question that Mr. Speaker do leave the Chair; and to that condition the noble Lord assented.

Lord JOHN RUSSELL said, he had agreed that his hon. and learned Friend the Attorney General should make a statement on the bearing and legal effects of the first clause, as it now stood in the Bill, when they came to discuss that clause. He had not said that the statement would be made on the preamble.

Mr. T. DUNCOMBE thought that the Committee had a right, as soon as the Chairman put the question that the Amendment be read a second time, to call on the Government to give an explanation of the legal bearings of the Bill in its amended shape. He did not think that the noble Lord at the head of the Government had quite kept faith with the Committee. The noble Lord, previously to the recess, called upon hon. Members who had any amendments to make in this Bill to print them, and upon the reassembling of the House, he (Lord John Russell) would tell the House which amendments he would accept, and which he would reject. Now, on the reassembling of the House, the noble Lord stated that he could not accept the Amendments of the hon. and learned Member for Midhurst (Mr. Walpole) in the nature of clauses, but he had no objection to their being introduced in effect to the preamble. [Lord John Russell: No, no!] He had so understood the noble Lord. The noble Lord had been sending over the hon. and learned Attorney General to the hon. and learned Member for Midhurst (Mr. Walpole), and they had been trying "to cook up" a new Bill between them; but the hon. and learned Attorney General and the hon. and learned Gentleman could not agree. The Committee had not been informed of the mode in which the Amendments of the hon. and learned Gentleman were to be amalgamated with the Bill; and that of itself, he thought, was a good ground for requiring delay. It was sheer nonsense to say that this was the same Bill as when the noble Lord had first introduced it. In reply to the hon. Member for Buckinghamshire (Mr. Disraeli), the right hon. and learned Gentleman the Master of the Rolls had in effect stated that the Bill, as it originally stood, was the very Bill required —"the Bill," according to the statement of the right hon. and learned Gentleman, did not in its original shape go too far, but just went far enough. When the hon. Member for Buckinghamshire said the real penalty in the Bill would only be its minimum of 40*s.*, and that that was about as much as the Bill was worth, he was met by the right hon. and learned Gentleman, who eulogised the measure as the very model of a Bill. Well, but if the Bill had been so excellent, why alter it? Where was the original Bill now? He hoped, however, that the hon. Gentleman (Mr. Reynolds) would withdraw his Motion, and that the Committee might then have an explanation from the Government as to the mode in which they proposed that the enactment should finally present itself.

Mr. ROCHE said, that as this was a question of the keeping or breaking of good faith, he would state his recollection of the proceedings which had taken place on Friday night. On the House going into Committee, the Bill was read a first and second time, the postponement of the preamble was objected to, and the Bill was ordered to be printed, and its further consideration postponed until to-day. The Committee were now asked to go two steps further than they went on Friday, and, having gone these two steps, they were then promised that they should hear the explanations of the law officers of the Crown. The Bill, however, was a new one, and, being new, the explanation ought at once to be given. If the hon. and learned Gentleman the Attorney General could show that this was not a new Bill, but the old one, then the Committee might take it into consideration; but whatever their explanations might be, the Irish Members were exactly in the same position now as they had been in on Friday night: there had been no breach of faith on their part.

Mr. KEOGH said, that the arrangement had been made between him and the noble Lord at the head of the Government; and if he conceived he were violating the spirit of that arrangement in supporting the Motion of the hon. Member for the city of Dublin, he would not vote for it. But he was convinced that that Motion violated neither the spirit nor the letter of that understanding; neither had the noble Lord accused them of such a thing, but the right hon. Gentleman (Sir George

Grey) hinted it. What happened was this. He (Mr. Keogh) asked the noble Lord to consent to the reprinting of the Bill; the noble Lord at first refused, and the Committee now saw that he (Mr. Keogh) had just and reasonable grounds for that request. The noble Lord afterwards consented, on condition that on Monday he should be placed in the same position with respect to the Bill as he was then; he (Mr. Keogh) agreed, provided that he and his friends should also be put in the same position—namely, that on Mr. Speaker leaving the Chair, they should make every species of opposition to the Bill that they deemed expedient, and the forms of the House allowed. That was the arrangement agreed to, and he insisted it had not been violated in spirit or letter by them. As regarded the proposition just made by the noble Lord, he understood the noble Lord admitted the justice of the right hon. Gentleman's (Mr. Gladstone's) appeal, for he had said that if they took one step, it was but right that he himself or the hon. and learned Attorney General should make a statement. Now the Chairman of Committees had just informed him that it was necessary to move that the Bill be read a first and second time, because of the alterations made in it; but that if it were the same Bill it would not be necessary. The noble Lord had adopted a great portion of the hon. and learned Member for Midhurst's Amendments; let the hon. and learned Attorney General then make his statement, and afterwards let them adjourn the question to Friday next, in order that they might have an opportunity of fully considering the provisions of the Bill as amended. The noble Lord had undertaken to have the Bill reprinted, but it had not been delivered to hon. Members until late that morning. On that ground alone they were entitled to have the further consideration of the measure postponed.

Mr. WALPOLE thought the Committee had lost sight of one point. They could not be said in any way to have been taken by surprise. The clause which was now supposed to make the Bill a new measure, and the Amendments he proposed, were all placed on the paper before Easter. As to the remarks of the hon. Member for Finsbury (Mr. T. Duncombe) respecting the hon. and learned Atorney General and himself cooking up this Bill between them, the hon. Member would perhaps allow him to state the fact. It was quite true that the noble Lord (Lord John Russell) promised to state after the recess what he would do with the Amendments; and, accordingly, after the recess the noble Lord said that he did not object on principle to the first of his (Mr. Walpole's) Amendments, but that he thought it was included in the old preamble. The noble Lord, however, objected to the other Amendments. Now, with respect to his communications with the hon. and learned Attorney General, he certainly had met his hon. and learned Friend the Attorney General in the street accidentally, and he had spoken to him about his Amendments. The hon. and learned Attorney General had not been sent to him by the noble Lord. On the following day he met the hon. and learned Gentleman a second time, and the latter then alluded to those parts of the Amendments to which the Government objected most strongly, and also to those parts to which they assented; but until he (Mr. Walpole) came down to the House on Friday evening, the Government were under no arrangement with him, nor was he under any arrangement with them, either to accept or reject any clause. There was, moreover, no compromise between them. He entirely approved of the principle of the Bill brought in by the noble Lord; and, upon approving of that, he did not think there was any thing unbecoming in the conference he had had with the hon. and learned Attorney General, the object of which was to see how far his Amendments would or would not be acceptable to the Government.

Mr. T. DUNCOMBE said, it was the noble Lord at the head of the Government himself who stated that he sent the hon. and learned Attorney General to the hon. Member for Midhurst.

Lord JOHN RUSSELL said, it was quite true that the hon. and learned Member for Midhurst had met the Attorney General accidentally, and had had some conversation with him. The Attorney General most properly told him (Lord John Russell) of the conversation which he had had with the hon. and learned Member relative to his Amendments, and said that he did not like to hold further communication on the subject without his (Lord John Russell's) authority. He therefore gave the Attorney General authority to communicate with the hon. and learned Member for Midhurst on the subject of his Amendments.

Mr. HUME understood that all the Irish Members had asked for, and all the noble Lord had conceded, was this, that the question should remain in the same position now as it did after going into Committee on Friday.

Mr. S. CRAWFORD would recommend the Hon. Member for the city of Dublin to withdraw his Amendment, if it were distinctly understood that the Attorney General would make his explanatory statement at once. The discussion of the clauses ought, after the statement was delivered, to be postponed until a future day.

Mr. MOORE said, the Committee appeared to have forgotten that the hon. and learned Member for Athlone (Mr. Keogh) had a Motion on the paper against the postponement of the preamble. It was impossible that the Irish Members could agree to the postponement of the preamble.

Mr. REYNOLDS said, the hon. and learned Member for Athlone had so plainly and clearly explained the understanding come to on Friday, that he would only add this—that the Irish Members only pledged themselves that they would not take any advantage of the Motion that Mr. Speaker should leave the Chair, and that both the noble Lord and the Irish Members should occupy exactly the same position that they did on Friday. If he agreed to withdraw his Amendment, it would be on the specific ground that the hon. and learned Attorney General should be permitted to explain the alterations in the Bill, and that after that explanation no further progress should be made with the Bill that night. It was necessary that hon. Members should understand each other. They were all wide awake on the subject. He was willing to withdraw his Amendment, provided the noble Lord would consent, after the hon. and learned Attorney General's explanatory statement, to postpone the further consideration of the Bill until Friday.

Lord JOHN RUSSELL said, that he could not agree to the arrangement of the hon. Member for the city of Dublin.

Motion made and Question proposed, "That the Preamble be postponed."

Mr. REYNOLDS, thereupon, moved "That the Chairman report progress, and ask leave to sit again."

Question put accordingly.

The Committee divided:—Ayes 46; Noes 262: Majority 216.

Question again proposed, "That the Preamble be postponed."

The ATTORNEY GENERAL said: I feel it my duty now to comply with the general wish of the Committee, that, as the law adviser of the Government, I should make a statement of the provisions of the Bill now before the Committee. I will endeavour to state very briefly the legal effect of the provisions of the Bill, which appears to me to lie in a very narrow compass,and the views which the Government take of those provisions. In the first place, however, I must take the liberty of saying that I totally disagree with those hon. Members who have asserted that this is a new Bill. The only portion to which that observation can apply is what is now the first clause of the Bill. Now, I am prepared to show that the first clause in reality does not at all alter the character of the Bill, but leaves it substantially and precisely what it was before. As the Bill stood, before that which is the first clause was added (the second and third clauses of the original Bill being withdrawn, and looking only to the preamble and the Government clause, which is now the second clause), it amounts to this: the preamble recites—

"That certain of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees or dioceses, within the United Kingdom, under colour of an alleged authority given to them for that purpose by a certain brief, rescript, or letters apostolical from the See of Rome, purporting to have been given at Rome on the 29th September, 1850; and whereas by the Act of the 10th year of King George IV., chap. 7, after reciting that the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, were by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably, and that the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in England as in Ireland, had been settled and established by law, it was enacted, that if any person after the commencement of that Act, other than the person thereunto authorised by law, should assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland, he should for every such offence forfeit and pay the sum of 100*l.*; and whereas it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of any archbishop or bishop or deanery of any dean recognised by law; but the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, provinces, or diocese, or deaneries, is illegal and void; and whereas it is expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom: be it therefore declared and enacted by the

Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that—"

Now, the second clause of the present Bill, which was preceded and introduced by the preamble I have just read, enacts—

> "That if, after the passing of this Act, any person other than a person thereunto authorised by law in respect of an archbishopric, bishopric, or deanery of the United Church of England and Ireland, assume or use the name, style, or title of archbishop, bishop, or dean of any city, town, or place, or of any territory or district (under any designation or description whatsoever) in the United Kingdom, whether such city, town, or place, or such territory or district, be or be not the see or the province, or coextensive with the province of any archbishop, or the see or the diocese, or coextensive with the diocese of any bishop, or the seat or place of the church of any dean, or coextensive with any deanery of the said United Church, the person so offending shall, for every such offence, forfeit and pay the sum of 100*l.*"

In other words, the second clause places the unauthorised assumption of such territorial districts, provinces, cities, and towns, as have not already suggested archiepiscopal or episcopal titles of the Established Church, shall be guilty of an offence and subject to the same penalty as provided by the Act of George IV. That is the original Bill; it puts those places on the same footing, by constituting it an offence to assume such titles, and subjects the person assuming them to the same penalty as the Act of George IV. had fixed for the assumption of titles already appropriated by the archbishops and bishops of the Established Church. Now, undoubtedly another clause is introduced—a clause originally suggested by the hon. and learned Member for Midhurst (Mr. Walpole). Does that make it a new Bill? It does no such thing. It is neither more nor less than a declaratory clause, embodying the results which you have recited—that certain persons have assumed titles by colour of a pretended authority from the See of Rome; you recite that the attempt to constitute those persons archbishops and bishops is illegal and void—you say it ought to be prevented. What says your first clause? Does it say anything more? Certainly not. It merely says that that which you have decided in the preamble is illegal and void, shall be declared by Act of Parliament to be illegal and void. It was stated by the noble Lord at the head of Her Majesty's Government, that he entertained some objection to that clause, because it was superfluous. If you recite, in the preamble, that it is only under colour of a pretended authority that these titles are assumed—if you recite that the attempt to introduce those titles is illegal and void, and that the illegality is constituted an offence under this Act of Parliament—you have done in effect by the recital what you declare by the clause which immediately follows; and certainly, upon consideration, the first clause strikes you as being superfluous. Inasmuch as I found that there was a great desire for the insertion of that clause, I took the liberty of suggesting to the noble Lord (Lord John Russell) that it should be adopted. It is said, "here is an invasion of national independence, of national sovereignty by a foreign Power; it is not enough to recite that it is illegal; let there be a statutory, parliamentary, national declaration that it is illegal and void:" and for this purpose, that there may be no mistake about it, but that it may go forth by the authority of Parliament to the whole world, in the face of which this invasion has been made, and that no doubt may be left on the mind of any Roman Catholic subject that this particular rescript is illegal and void. This clause proposes to do nothing as to penalties; it does nothing as to fines or punishment, but it does give a more solemn affirmation of that which has been already recited. There is no hardship, no injustice to anybody. It is merely the same as is contained in the preamble. It may do some good, it can do no possible harm. It may afford additional satisfaction, by removing every shadow of doubt on any mind, as to the intention of Parliament in vindicating the national independence. Therefore, I say, the first clause contains neither more nor less than is contained in the preamble; and is enacted in substance by the second clause, though it may be a more express and explicit statement than is contained in that preamble. That is all I have to say about that clause. With regard to the second clause, it has been so much discussed that I cannot understand any one feeling any doubt as to the real intent and real legal effect of it. It amounts to this: The statute of 10th George IV. applied in terms only to the territorial titles previously appropriated by the Established Protestant Church. It recites the attempt to parcel out this country—England more especially—into provinces and dioceses which have no foundation whatever in constitutional law. It says the assumption of those titles is illegal, and places territorial districts not appropriated to the Established Church on the same footing as those to which the 10th George IV. applies. That is the whole effect of the clause; and when it is said that this second clause will interfere with the administration of charitable bequests and trusts of members of the Roman Catholic Church, the simple and obvious answer is—the 10th George IV. had not that effect; and this has only application to dioceses and sees not already provided for in that Act. That is the whole effect of the Bill; and I cannot understand how any one can entertain any real doubt or difficulty as to its nature and character. I understand that all the Committee requires of me is a legal exposition of the measure; and after the long and elaborate discussion which it has undergone, I believe I should be trifling with your time and patience were I to add one word to the naked statement which I have now made.

MR. P. HOWARD wondered why, if the matter was so simple as the hon. and learned Gentleman pretended it to be, the Bill had been withheld, contrary to the usual practice, from Members until after mid-day that day. He protested altogether against taking the discussion of the Bill that night, no time having been given for the consideration of it. In effect it was a completely new Bill from that last before the House. It had a new date even—a distinct proof that it was an entirely new Bill. The Government were adopting the dishonourable resource of stratagem to carry their measure through; and it was a degrading catering to the taste of a majority in the House to append the proposal of the Member for Midhurst without being convinced of either the propriety or the necessity of the addition.

MR. K. SEYMER said, that one very important point had been omitted by the hon. and learned Attorney General. It had been said that the object of the Bill was to maintain the national sovereignty. Now, if there was one portion of the kingdom more than another where it was particularly important to maintain the national sovereignty, it was Ireland—for that was the only part of the empire where, in recent times, war had actually been openly levied against the Sovereign. [*Murmurs of dissent.*] Why, there could be no doubt about it. The war had been levied by persons, some of whom were moving in the highest circles of society, and who were now suffering the penalty of their crime. Well, the Pope had recently issued a rescript, doing exactly for a portion of Ireland what he had done for the whole of England. Now, there was no notice taken of this in the Bill, and therefore it seemed to him that it made the distinction which they were all anxious to avoid, namely, that of asserting the national sovereignty in England, and not in Ireland. He observed that the hon. and learned Attorney General was at present absent, but he hoped the hon. and learned Solicitor General would explain whether he (Mr. Seymer) was correct in saying that the Bill, as it now stood, did make the distinction to which he had referred.

The SOLICITOR GENERAL: It did not occur to my hon. and learned Friend the Attorney General to notice the point which was raised by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone). I know it was his intention to answer the right hon. Gentleman; and, from conversations with my hon. and learned Friend on the subject, I am aware of his views, which are, I believe, as follows. Neither the right hon. Gentleman or the hon. Member who spoke last, have sufficiently distinguished between the declaratory clause and the common enacting clause. By the declaratory clause, you have, instead of the judgment of a Court of law, the judgment of the highest authority of the realm, that such and such a state of things is the existing law of the country—a judgment which every Court is bound to follow: it admits of no appeal, and can in no way be contravened. With respect to this particular bull, the reason for declaring it to be illegal and void, I apprehend to be this: In the first place, that it is illegal and void, no lawyer can entertain a doubt. That it is illegal and void to accept a title under a bull, was determined in the time of James I., in Lalor's case in Ireland; and since that time there has never been a doubt on the subject. It was then declared to be illegal under the statute of *præmunire* of Richard II. This Bill purports to do precisely the same as in Lalor's case. It is a remarkable circumstance, that from the time of Lalor's case till the present time no subject of England has dared to accept such a bull—no Sovereign Pontiff has been found to issue such a bull. It is two centuries or nearly two centuries and a half afterwards, that this unprovoked aggression takes place on the part of the Pope of Rome. These ill-advised proceedings, by certain subjects of Her Majesty, suggest the expediency of bringing in a Bill to recite that those proceedings are illegal and void; and it was thought by the Government that, to recite the proceeding as illegal and void would be enough. It had occurred, however, to the hon. and learned Member for Midhurst and to some others, that something more was wanted—for the hon. and learned Member for Midhurst was not alone in his opinion, an able pamphlet having been published anonymously with the signature of "A Privy Councillor," but which was very well known to be the work of a person who had once occupied an eminent judicial position; in which pamphlet the same view as that taken by the hon. and learned Member for Midhurst was maintained—viz., they ought to recite the bull and "tear it to pieces by a declaratory clause." I confess I thought the recital was equivalent to a declaratory clause; but, however, this being the first bull for more than two centuries—the first time that any subjects of the Crown have dared to act under such an instrument, it may be as well not only to say that they are illegal and void, but to have a Parliamentary declaration, annulling the act—on the one hand, for the purpose of meeting the view in which foreign nations may regard it; and on the other, for the purpose of putting it beyond all doubt on record, that any person attempting to act under a bull of this description engages in a most unlawful act, and one which hereafter deserves to be visited with severe punishment. This being so, you take the first bull issued, the bull in question; you recite it and declare it illegal, and void. "But," said the right hon. Gentleman the Member for the University of Oxford, "you leave the act of appointing the Bishop of Ross intact and valid." Was there ever such a mistake? When it was declared—not enacted—that in the eye of the highest authority in the land a given bull was illegal and void, the right hon. Gentleman came forward and said, "Here is a bull of the same nature which has been issued in another country, which bull remains intact and valid after the other bull, which is identical with it, has been declared to be illegal and void." I did not apprehend that any Gentleman could have fallen into such a mistake—certainly no lawyer would. Why, supposing that not a bull, but any other instrument, a will, for example, of a given form, had been declared to be void, does any one imagine that if a will exactly similar to that which had been declared to be void were brought before a Court of law, that the Court would not decide that the second instrument was void upon the same principle that the first had been held to be void? There is no necessity for following up all the minor instruments which may emanate from the same authority, after declaring that this odious aggression is illegal. You have the judgment of Parliament on that bull; and any bull of that character, produced before any court in the kingdom, and all similar bulls, would be declared equally illegal and void. Without following all the petty machinery of the Court of Rome, I apprehend the most dignified course is to take up this monstrous instrument—parcelling out the whole kingdom, and, as has been truly said, annulling the sees of Canterbury and London, and dividing them into new districts—and having taken up that instrument, and declared it void, to leave the bishopric of Ross, or any other small creation of the Pope, unnoticed. I consider that by far the most proper and dignified course for Parliament to pursue.

MR. GLADSTONE was very much obliged to the hon. and learned Gentleman for the explanation which he had received; and he considered he might be well excused, if, in common with many other Members, he failed to perceive that this first clause was simply declaratory. He understood the hon. and learned Solicitor General to state that it was distinctly declaratory, and neither more nor less. The reason why he might be excused for not having perceived or thought that this clause was simply declaratory, independent of the ground of legal ignorance, was, that unless he was very much mistaken, declaratory clauses were seldom announced in this very peculiar and unusual form. Such declaratory clauses as it had been his fortune to see, had usually followed a recital that the state of the law was doubtful; but there was nothing of that kind in the present instance. They said that the Pope's act was illegal, and having said that they went on to say, "Be it declared and enacted that it shall be illegal." Now he (Mr. Gladstone) thought that was an unusual mode of proceeding; but he might be wrong. He did not, however, think that the Bill hung well together. It might be difficult to understand whether there was a declaratory clause; and, if so, what was the necessity for a declaratory clause; because that which was already clear and admitted on all hands, could not stand in need of any further explanation. But he would pass on from that, because he now understood the meaning of the Act of Parliament, and the noble Lord at the head of the Government rather did him an injustice, when he said he could not have read it. If he did not before understand it, it was not from not having read it, but because he had read it a great deal too often, and became mystified over it. But he was desirous to know whether, according to the judgment of the hon. and learned Gentleman the Solicitor General, the effect that was intended to be produced by the second clause of the Bill as it originally stood, namely, the invalidation of all written documents executed by parties under this rescript or letter-apostolical, whether that effect would be produced by the Bill as it at present stood? He (Mr. Gladstone) supposed that the first clause would unquestionably have that effect.

The SOLICITOR GENERAL: The right hon. Member has stated that the second clause of the original Bill declared that any writings under this bull should be void. But the clause was much more extensive than that. It provided—

> "That any deed or writing made, signed, or executed, after the passing of this Act, by or under the authority of any person, in or under any name, style, or title, which such person is by the recited Act, and this Act, or either of them, prohibited from assuming or using, shall be void."

The objection taken to it, and which led to its withdrawal, was, that it would have a retrospective effect of a most dangerous kind. The objectors, the Roman Catholic prelates of Ireland, said—

> "Under the old Act of 1829—we may have misunderstood it or acted wrongly under it—we have ordained a number of clergymen, under titles forbidden by that Act. If you say that any deed executed after the passing of this Act shall be void, you will prohibit our going on to do that which we have been doing ever since 1829, and which we have no right to suppose we were prohibited from doing. Therefore do not do that, but let us stand upon the law of 1829. If we were wrong under that Act, we shall be wrong under the new Act; if we were right under the old, we shall be right under the new."

Now that is a legitimate mode of argument, although I entertain doubts whether they were right under the old Act. When the second clause was struck off, their case was conceded, and they were left as they were before. When the first clause said that this particular bull was void, it did not touch that particular case. If the Pope thinks fit to, or can in any legitimate manner, create a new bishopric, let him try it. I do not think he can. The present bishops in Ireland say they do not bear the title openly, but they consider themselves, as between themselves and the Pope and their co-religionists, the bishops of such and such places, although it is said that they shall not bear the title. Now if that shall be devised with respect to new sees, let it be done. The striking at this particular bull does not in any way militate against those bishops doing exactly hereafter what they have done from 1829 to the present day. Whether they have been doing that lawfully, admits of great doubt; but they have a right to the benefit of that doubt, and they are allowed to stand as they were in 1829.

Mr. GLADSTONE said, his question had not been answered. He desired to know what effect the second clause would have upon the sees in England which were the subject of this rescript, and the occupants or the pretended occupants of them?

The SOLICITOR GENERAL: I apprehend that they will stand in precisely the same position as the Irish sees.

Mr. TORRENS M'CULLAGH said, it had been admitted that not many years ago the Pope issued a document with respect to the Bishop of Galway, exactly similar to the one he had lately issued with respect to the Bishop of Ross. If then, to use the words of the right hon. Gentleman the Member for Ripon, this was not "the signal for a reversal of policy" in effect and spirit, why did not the Government make that the occasion for vindicating the insulted honour of the country? He (Mr. Torrens M'Cullagh) said, that a similar document had been issued in the case of the bishopric of Galway, and no notice had been taken of it by the Government. The right hon. Member for the University of Oxford (Mr. Gladstone) had asked a question, which his hon. and learned Friend the Solicitor General had certainly not answered, and not attempted to answer. He (Mr. M'Cullagh) was sure the Committee would not be put off with the answer his hon. and learned Friend had given. He had not answered the question which he (Mr. M'Cullagh) had been the first to put in that House, namely, whether the subtraction of the first and second clauses by the Government—for he had never admitted, and never would admit, that this was the same Bill—whether the subtraction of these clauses was really and substantially a change of the restrictive and persecuting policy now adopted, or whether the hon. and learned Gentleman did not think that every ecclesiastical as well as every temporal Act, was really to be declared invalid by those second and third clauses, and whether he did believe that if brought before a court of law they would be decided to be illegal. He contended that when grave doubts were raised, and when men like Sir FitzRoy Kelly and the hon. Member for Aylesbury (Mr. Bethell), and others, all agreeing with the right hon. Baronet the Member for Ripon (Sir James Graham), and all agreed upon the principle of the construction of these clauses, the question was well worthy the serious consideration of the law officers of the Crown. If those law officers of the Crown would really vindicate the Government, it behoved them to deal as lawyers with those opinions, and not meet them with rhetorical flourishes. That would not answer the question to the country; that would not solve the problem if it should come before a court of law. In justice and common sense it ought to be decided there, before the House sent millions of the Queen's subjects to decide this question of so intricate and complex a nature in the courts of law. After introducing a different Bill in the early part of the Session, the Government now sought to force this measure, which was a combination of the Amendments of the hon. and learned Member for Midhurst (Mr. Walpole), and the first Bill of the Government in March and April. He wished to deal with the matter in a spirit of fairness and candour, and he appealed to every hon. Member of that House whether this was not a question which ought to be put beyond all controversy or doubt. The noble Lord at the head of the Government had laid it down as a principle respecting that Bill, that it was not persecution because it was only a repetition of the Bill of 1829. He must ask the noble Lord, then, this question, as he had been five years in office, how it happened that the violated law had never been attempted to be enforced? How was it that with a law which had been valid for these twenty years, the Government had not ventured to put an ecclesiastic on his trial before twelve jurors? Because they could not find twelve impartial men to agree with them that the law had been violated. It was said that the statute relating to charitable bequests remained unrepealed; and the hon. and learned Member for Athlone (Mr. Keogh), had said that it repealed in terms the penal part of the Act of 1829. What he (Mr. M'Cullagh) said was, that the Charitable Bequests Act of 1844, introduced by the late Sir Robert Peel, with the approved of the noble Lord and all who acted with him, and with the adhesion of the present right hon. and learned Master of the Rolls, a statute acting not only upon Roman Catholic archbishops and bishops, but upon the titles of the archbishops and bishops—he said, coupling that Act with many other acknowledgments of ecclesiastical titles which might be enumerated, that that state of things led to an abnegation of the whole penal character of the Act of 1829. Besides, also, the decision of the courts of law, there was a witness in that House in addition to the noble Lord himself, who, if appealed to, could set the Committee right on this question. The noble Lord had said, in reply to the hon. and learned Member for Athlone—

> "Was it to be conceived that the right hon. Baronet the Member for Ripon, the organ of Sir Robert Peel's Government, would have brought in a Bill to nullify and repeal the Act of 1829?"

The right hon. Gentleman himself voluntarily told the House this Session—in his first speech of the Session—and reminded the House of the Act of 1844. [The hon. and learned Gentleman here read an extract from a speech of Sir James Graham.]

SIR JAMES GRAHAM was understood to say that those were not his words.

MR. TORRENS M'CULLAGH appealed to the candour of the right hon. Gentleman, for he had read the words from *Hansard*. It was obvious, then, that it was intended to give equal protection to the priest of the parish and to the bishop who had charge of the diocese; and Sir Edward Sugden, acting no doubt by the directions of Sir Robert Peel's Government, lost no time in validifying the intentions of the Legislature, and in the case of the Bishop of Meath adjudged that, as a Roman Catholic bishop of Ireland, he and his successors should be entitled to act as trustees. The right hon. Member for the University of Oxford had asked a question which had not been answered by the legal officers of the Government, as to what was to become of the Charitable Bequests Act if this Bill passed? Also with respect to the penal clauses if property was left in trust to the bishop and his successors, or solely to the bishop, the intention of the testator being clearly shown to be that the bishop for the time being should exercise the trusts? His belief was that this question had never been dealt with since the discussion began. Would the hon. and learned Attorney General or the Solicitor General for England say that a court of equity would, in a case where the trust taken by the bishop under the terms of the Act of Parliament fell at his death, the necessity arising of finding new trustees, appoint a new trustee for him? He asked his hon. and learned Friends whether it was the same thing if that property or money should pass to the heirs or next of kin of the bishop personally, or to whomsoever might be his executor or administrator, or to the successor of the bishop in the diocese? Yet that would be the only result of a Bill in equity to substitute at their pleasure and discretion somebody holding an analogous office. The Government were reversing that policy of goodness, justice, and mercy, in which they themselves were once so eminent. He begged the law officers of the Crown to deal with this question as lawyers. He appealed to the Committee whether they understood the measure itself. Whether it was from too often trying to understand this Bill himself—so inconsistent in its terms—he knew not, but he declared that really and truly he did not know what was intended by the Bill. He did not know what the Bill was; and if they took it before a jury of the House, he did not believe they would get an explanation.

The ATTORNEY GENERAL said, he would at once answer the hon. and learned Gentleman who had just spoken, that he was not there to discuss legal questions. As a lawyer he might be bound to state his opinion, and he was ready to state his. What he was prepared to state was this. Although the various opinions which had been stated on the question, might have been obtained by different persons, he believed that he should be stating the sentiments of the legal profession if he said, "We do not believe that the mischief apprehended by some hon. Gentlemen will flow from this measure." He believed that the effect of this statute was simply to put certain classes of sees and dioceses upon the same footing as that on which they stood under the Act 10 George IV., cap. 7; and he begged to ask whether those inconveniences and fatal mischiefs which had been so much talked about, and which some hon. Members so much apprehended, had been found to result from that Act of Parliament? He did not think any hon. Member would say as much as that. Therefore the best course would be to determine the validity of the opinions which had been quoted and referred to. For his own part he did not believe that the consequences which some persons apprehended would follow this Bill when made law. It would be a very different thing if it was proposed to endow a Roman Catholic diocesan bishopric. There he agreed with the hon. and learned Gentleman (Mr. M'Cullagh) that this Bill would prevent it. But if you left property in the terms of a bequest—if you left a party money, and chose to give to him an appellation which this Act of Parliament declared to be illegal and void, you must take the consequence of your own act. If the object was to leave property to the party for charitable trusts, and it was left to him specified by his title, he apprehended that the courts of equity—and he spoke in the presence of many learned friends more conversant with those courts than himself—but he apprehended that the courts of equity would only look to the intentions of the testator, and would regard the title merely as a designation of the person named in the will to whom the testator intended the property should be left. And further, that a court of equity would give effect to the bequest according to the intent of the testator, and would not directly interfere with the disposition of the bequest according to that intention. He believed he was right in saying that that was the general opinion of the profession. To prove it: what had been the working of the Act 10 George IV. for a space of twenty-two years? That Act made the assumption of titles of archbishops and bishops illegal—a matter of offence; yet bequests had been made to Roman Catholic archbishops and bishops by their titles for purposes of charity; and had there been any practical inconvenience felt in administering that Act in the courts of Ireland? If there were such inconvenience, let it be brought forward; but he apprehended there were none. He thought no such inconveniences had been experienced. And with respect to the Charitable Bequests Act, the peculiar wording of that statute was such as to give effect to such a bequest if there should be no violation of an Act of Parliament. [The hon. and learned Attorney General here read an extract from the Statute 7 and 8 Vict., c. 97, s. 15—

> "In trust for any archbishop or bishop, or other person in holy orders of the Church of Rome, officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate, or shall succeed to the same pastoral superintendence."]

That passage would apply to the case of vicars-apostolic with episcopal functions in certain districts. It would apply to that class of cases, because it carried out the religion of Her Majesty's Roman Catholic subjects. The Charitable Bequests Act was carefully framed so as to leave the archbishops and bishops of the Roman Catholics untouched, so long as there was not any open and practical invasion of the law made by them. He apprehended that he had now answered the question of the hon. and learned Gentleman (Mr. M'Cullagh). This was not the place to go into a legal argument; and, therefore, he should content himself with saying that he did not believe such mischiefs as had been prophesied would follow this Bill.

MR. NAPIER considered these discussions highly inconvenient, as several hon. Members had given notice of Amendments; and the effect of these discussions would be to mix up questions that ought to be kept distinct, and be separately considered. With respect to the statement made by the hon. and learned Member for Dundalk (Mr. M'Cullagh), at the proper time he would meet that statement, and he hoped would controvert it. With respect also to the opinion of the hon. and learned Member for Athlone (Mr. Keogh), that the present measure was at variance with the Charitable Bequests Act, he should be glad to hear that hon. and learned Member demonstrate his proposition before he proceeded to reply to it. He should at a fitting time be prepared to prove that no Parliamentary sanction had been given by the Charitable Bequests Act to the assumption of diocesan titles on the part of Roman Catholic bishops; and this was admitted at the time of its introduction by the right hon. Member for Ripon (Sir James Graham), for he said—

> "He had demurred, and he still demurred, to the right of the archbishops and bishops of the Church of Rome claiming titles as affixed to particular localities and districts in Ireland." And added—"The Government had gone the utmost length in their power, consistently with the principles they must maintain."

Now, the Act in question had been framed by the ablest lawyers of the day. The right hon. Baronet had been pressed to recognise the right of Roman Catholic bishops to diocesan titles. The right hon. Baronet, however, always said he had an objection, and still demurred to the assumption of titles of particular localities and districts in Ireland. Government, he said, had gone to its extreme point in that Act of Parliament. He held a pamphlet in his hand on the same Act, written by Mr. Serjeant Shee, which declared that the Act designated the Roman Catholic prelates as archbishops and bishops—but that was the sum total of the concessions made to them. The Roman Catholic laity were in many cases ignorant of the fact that bequests to Roman Catholic bishops or priests were, in the eye of the law, bequests to them personally. The Act recognised Roman Catholic archbishops and bishops, but not as having diocesan titles, authority, or territory. If then the present Bill was a reaffirmation of the Charitable Bequests Act, it could not interfere with the future operation of that Act. But even admitting the amount of legal talent engaged in framing that Act—the opinion of those eminent legal persons would not bind the Committee on this great question. But he would remind the Committee that Sir Edward Sugden, who had helped to frame the Charitable Bequests Act, had openly condemned the recent act of the Pope as contrary to the laws and constitution of the kingdom. Sir Edward Sugden had done that in an able exposition of the law and constitution of the country at a public meeting. A good deal of injustice he considered was being done by the attempt to persuade the people of England—that however was not very easily done—and the people of Ireland, that the Bill was an attempt to persecute the Roman Catholics. To this, he said, if, when the specific propositions came to be debated it could be shown that the religious rights and liberties of the Roman Catholics, as conformable to and measured by the law and constitution of these realms, were in the least infringed, he would vote against that portion of the Bill which had such an operation. But he did not believe such would be the effect of the Bill, and at the fitting time he should endeavour to establish the accuracy of his views.

MR. M. GIBSON said, that there appeared to him to be a doubt on the minds of both the hon. and learned Attorney General and the hon. and learned Solicitor General as to the course that ought to be pursued. If the Government really wished to avoid the inconveniences that might arise from the uncertain construction of these clauses, they would introduce a direct proviso in their Bill for the purpose of preventing those inconveniences. If there were a doubt of what might be done by the courts of law in the construction of the clauses of the Bill, let them take the obvious mode of putting that doubt at rest by inserting in the Bill a clear and distinct proviso. He did not think it came under the head of well-drawn Bills. There was not much good workmanship about it; and he believed, when it was considered that the preamble had been altered, that the clauses were new, and that there were doubts as to what the effects of the measure might be under this its matured form, he must say that there must be a great deal of bad workmanship in the drawing up of that Bill. He was perplexed himself as to what was the meaning of the bishop of a district. He referred to the case of the Scotch bishops. By the Bill a person who called himself a bishop was to be fined 100*l*. That was the effect of the clause. But why the Scotch bishops were permitted to break the law, was left for further explanation. He found—on referring to a book lately laid before the House—being the Minutes of the Committee of Council on Education—that no longer ago than the 26th of October, 1850, Her Majesty's Government had submitted to the Roman Catholic Poor Schools Committee a management clause for Roman Catholic poor schools—for the trustees to adopt, under which the trustees were to be entitled to their money, which was voted by Parliament. He found this clause proceeds to say—

> "That the Roman Catholic priest for the time being, having the care of a congregation of religious worship in any Roman Catholic church or chapel, under and by virtue of faculties duly received from and confirmed by the Roman Catholic bishop for the time being, or other ecclesiastic of the district," &c.—

So that the person so described was authorised to manage the instruction of the children in these schools. But it went on to say—

> "It is hereby declared that no priest shall continue a member of said Committee, or shall exercise any control or interference in said school, who does not hold faculties duly received from and confirmed by the Roman Catholic bishop for the time being of the district, or other ecclesiastical division in which such school is situated."

On the 9th of November, the very day when the celebrated Protestant demonstrations had been made in the city of London, another letter had been written by the authority of the Lord President of the Council to the Roman Catholic School Committee, expressing his gratification that this management clause which he (Mr. M. Gibson) had just read was likely to be carried out. The correspondence showed that the clause had been agreed to on the 29th of November, after this parcelling out of the kingdom (as it was called) into dioceses by the Pope; and the Government having on the 29th of November actually laid down that the Roman Catholic priests who were to manage these schools were to be priests ordained by the Roman Catholic bishop of the district, did it not seem monstrous that the Committee should be now engaged in passing a law whereby Roman Catholic bishops should be liable to a fine of 100*l*. for using the title of bishop? It behoved the law officers of the Crown to tell them what they meant to do in regard to the deeds in which the titles of the bishops were recited. How could they name a bishop by his title in a deed, if it were a penal act for a man to call himself a bishop? He (Mr. M. Gibson) wished to ask for nothing else than an explanation of the most obscure and complex Bill which it had ever been his lot to hear since he had become a Member of Parliament. He hoped that Government would give a fair and full explanation of what course they intended to adopt with regard to these trust deeds, and on what grounds, on the 29th of November, they had used the term "Roman Catholic bishop" of a district, if they had decided on enacting a law rendering a person liable to a fine of 100*l*., who called himself Roman Catholic bishop of a district?

SIR FREDERICK THESIGER said, the question they were then called upon to decide was whether the preamble of the Bill should be postponed, and the question they were arguing had but a very remote connexion with that question. The law advisers of the Crown had given their explanations as to the effect of the clause proposed by the hon. and learned Member for Midhurst (Mr. Walpole), and which had been introduced into the Bill of the Government, and he (Sir Frederick Thesiger) thought the hon. and learned Attorney General had given sufficient reasons why the preamble should be postponed until they had considered the other clauses of the Bill. He did not think the Bill a new one in consequence of the alterations introduced into it, as had been stated by several hon. Members; and he thought that, when the hon. and learned Attorney General had given his explanations with respect to the effect of the alterations which had been made, he had done all that was necessary to enable them to go on with the progress of the measure, without entering into any further discussion until the hon. and learned Gentleman the Member for Athlone (Mr. Keogh) brought forward the proposition of which he had given notice. He (Sir Frederick Thesiger) was at a loss to see why the Committee should on that occasion depart from its ordinary course. They had been now discussing the course they should pursue for a long time without any practical result, and he really did hope they would proceed with the Bill in the usual way. They had consumed much time, but had not advanced one step. He thought it would be infinitely better for them to proceed with the Bill until they came to the consideration of the Amendment of the hon. and learned Member for Athlone, and not occupy their time uselessly on points which must be again raised when the Amendment of the hon. and learned Member was brought forward.

MR. ROCHE said, that if the debate had closed with the speech of the hon. and learned Attorney General, they would have known what they were about; but the greater part of the speech of the hon. and learned Solicitor General went to contradict the speech of the Attorney General, and was calculated to confuse the Committee. The hon. and learned Attorney General got up and said the Bill had not a more extensive scope than that of the Bill of 1829; and almost the whole of his explanation went to make out that proposition. Another hon. Member then got up and referred to the case of the appointment of the Roman Catholic Bishop of Ross; and then they were immediately afterwards informed that the Bill did not apply to Ireland. The hon. and learned Solicitor General, however, informed them that the Bill was to apply to Ireland. Now, he had a right to assume, after that statement, that it was intended that the Bill should apply to Ireland, and the more especially from the allusions which had been made to the appointment of the Bishop of Ross; what, he would ask, were the facts connected with that appointment? Why, that the diocese of Ross had been for centuries united with that of Cloyne; but, from the extent of the duties which had latterly to be performed by the bishop, it was thought necessary, for the interests of religion, and the better spiritual superintendence of the district, that the two dioceses should be separated. In consequence, an application had been made to the Pope to have an additional bishop appointed, and the appointment of the Bishop of Ross was the result. The hon. and learned Attorney General had renewed the stale argument that the Bill was not an infringement on the rights of the Roman Catholics of Ireland, because it merely re-enacted the provisions contained in an Act of Parliament passed about twenty-two years ago. Well then, with respect to the Act of Parliament, what was the real fact? Why, that the provisions contained in it which were proposed to be revived had not been put in force for twenty-two years, and they were mainly indebted to Her Majesty's Government for that. Why then, if that were so, should they now seek to re-enact those laws, that they might be put into effect? He would not then detain the Committee by reciting what had been said by different Lords Lieutenant, and other official persons upon the subject before them, to show that many of the provisions of the Act of 1829 had not been enforced; but he would say that the Charitable Bequests Act was, in fact, a contradiction of the Roman Catholic Emancipation Act. Allusion had been made by the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) to the speech of Sir Edward Sugden; but they should recollect that what that right hon. Gentleman had said was with respect to England, and not to Ireland, and that he was speaking in his private capacity as to the law, and not in the character of Lord Chancellor of Ireland. The further the Government proceeded with the Bill, the more were they getting into the mud; and he believed that not one single Member who sat on the Ministerial bench understood the scope or probable results of the measure.

MR. P. H. HOWARD considered the argument of the right hon. Member for Manchester (Mr. Gibson) was an important one. The schools to which the right hon. Member had alluded were in many cases the property of the poor; and the greatest practical mischief, hardship, and inconvenience must arise from the operation of this Bill in regard to them. The Attorney General, however, had said that they could take refuge under the Charitable Bequests Act; but the Bequests Act only applied to Ireland, and did not meet the case of England. The sanguinary statutes of Elizabeth had not interfered with the spiritual acts of the Roman Catholic ministers of religion, and had not invalidated such acts as marriages. By the present Act, however, they were going to invalidate the consecration of bishops, and to render marriages illegal; and twenty years after this they would not only bastardise a large portion of the gentry and nobility of this country, but throw a doubt on the titles of some of the eldest Peers of the realm.

VISCOUNT BERNARD would not have interposed a word to delay the progress of the measure, but from the observations of the hon. Member for the county of Cork (Mr. Roche). He (Viscount Bernard) thought he knew more of the history of the bishopric of Ross than that hon. Member. The honest truth was, that the Bishop of Rome was determined to make another attack on the sovereignty of the Queen, by the creation of that bishopric. When they talked of excluding Ireland from the operation of this measure, the answer was, "Victoria, by the Grace of God, Queen of Great Britain and Ireland." But it was said that this Bill would do something that would interfere with the exercise of the Roman Catholic religion. He would quote the words of the late Sir Robert Peel in reference to this point, when bringing forward the question of Roman Catholic Emancipation. The late Sir Robert Peel said—

> "There are, however, some points, in no way trespassing on any legitimate privileges, or discipline, on which the religion of the Roman Catholic requires to be preserved inviolable, which may be so arranged and regulated as to afford great satisfaction and a sense of security to the Protestant mind."

After alluding to a provision to prevent Roman Catholics, if admitted to corporations, wearing their robes except in places of worship, he says—

> "A practice has occasionally of late prevailed in Ireland, which is calculated to afford great, and, I may add, just offence to Protestants—I allude to the practice of claiming and assuming on the part of Roman Catholic prelates the names and titles of dignitaries belonging to the Church of England. I propose that the episcopal titles and names made use of in the Church of England shall not be assumed by bishops of the Roman Catholic Church. Bishops, I call them, for bishops they are, and have among other privileges a right to exercise the power of ordination, which is perfectly valid, and is even recognised by our own Church; but I maintain it is not seemly or decorous for them to use the styles and titles that properly belong to prelates of the Established Church, much less publicly and ostentatiously to assume them as of late. This will be prevented in future."

These were the opinions of that great man, who had sacrificed much in bringing that question forward. The noble Lord at the head of the Government, in the admirable speech he made in introducing this measure—and for that speech, as well as his letter to the Bishop of Durham, he was very grateful—the noble Lord, he said, had then quoted the address of the Roman Catholic prelates in 1830, for the purpose of showing how grateful they appeared to be for the Roman Catholic Relief Bill of 1829. He begged leave to read an extract from it on the present occasion:—

> "We rejoice at the results, regardless of those provisions in the great measure of relief which injuriously affect ourselves, and not only us, but those religious orders which the Church of God, even from the apostolic times, has nurtured and cherished in her bosom. Those provisions, however, which were, as we hope and believe, a sacrifice required not by reason or policy, but by the prejudices holding captive the minds of even honest men, did not prevent us from rejoicing at the good which was effected for our country."

And yet in the face of these opinions and this address, hon. Members came forward now with statements that this Bill was a persecuting measure, which would interfere with the spiritual functions of the Roman Catholic bishops in Ireland. Now, in the early periods of Christianity the appointment of the bishops rested with the people at large. Then the power fell into the hands of the clergy, and subsequently it was transferred to chapters. Ultimately it came into the hands of the Crown. The power was thus vested in the one family of the Stuarts, which family becoming extinct, the Pope assumed the power of appointing bishops himself, and by so doing he virtuallly denied the right of the Sovereign to the Throne of these realms. While upon this subject he would read a portion of the evidence given by the late Right Rev. Dr. Doyle, in 1824 and 1825, before a Committee of the House of Commons:—

> "Is it on the ground of those transactions with Rome, going on as if Ireland were a missionary country, that the Pope has the nomination of the bishops of Ireland?—By no means; it is because the right of presenting was vested in a family which is extinct; and then the Pope, as supreme head of the Church, took to himself this right, which was, as it were, in abeyance, and acts upon it in the appointment of bishops since the extinction of that family.
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> "You state that the power of appointing to bishoprics in Ireland resided in the Stuart family. Will you state how that power came to reside in the Stuart family?—In the same manner as in

most of the other Royal families of Europe. Originally in the Catholic Church, bishops were elected by the people and the clergy conjointly; afterwards these assemblies became scenes of riot and tumult, and the right of election was confined to the clergy alone. The clergy being a numerous body, intrigues and cabals, and those other faults which human nature is liable to in every class and description of men, produced much evil, and hence the election of bishops was confined to chapters. Those chapters in time also became seats of intrigue, and kings were anxious to get into their own hands the patronage of the Church; hence they entered into treaties or concordats generally, throughout Europe, with the Pope, that they should have a right of sending a *congê d'êlire* to chapters, recommending a certain person to be elected by them; and they—the Sovereigns—agreed at the same time with the Pope that he should give institution to such person, he being fit and proper, as the chapter had elected upon the Royal recommendation. An arrangement of this or a similar nature exists in almost every country in Europe, and it existed in Ireland in the times of the Stuarts and Tudors."

Although the Protestant population of Ireland had absented themselves from meetings, because they thought it was wiser and better to forget the sectarian differences, he could say from personal experience that they were as anxious to repel the insidious and odious attempt of the Bishop of Rome to parcel out the country into dioceses as the Protestants of this country had shown themselves to be. Let the Committee beware of the insidious attempts that were making to undermine the Protestant institutions of this country. Let them take care not to allow those engines which were pregnant with the elements of anarchy and confusion to come into contact with their glorious Protestant constitution. He trusted that whatever might be the future prospects of this country—whether it might be the occupation of some future historian to describe the fall of what was once the mighty empire of Great Britain—that he would never have to say they had permitted their Protestant constitution to be subverted by the wily machinations of the Pope of Rome.

Mr. T. DUNCOMBE said, the hon. and learned Member for Abingdon (Sir Frederick Thesiger) complained that they did not confine their observations to the point in question. He (Mr. T. Duncombe) did not complain, on the contrary he rejoiced, that the noble Viscount who had just sat down did not appear to have heard that observation, or they would not have been favoured with the oration of the noble Viscount, which appeared to have been intended for the second reading of the Bill. Now he (Mr. T. Duncombe) was going to confine his observations really to the question before them—whether the preamble should be postponed or not. He thought the noble Lord at the head of the Government was more to blame than any body else for their diverging. Did the noble Lord object to the preamble being postponed or not? If he did, why did he not tell them so, or put up his Attorney General? They were waiting for him, but they could not get him to speak. The first clause enacted that the said rescript and brief should be null and void. What rescript? He saw none. The only reference he could find to it was in the preamble, which referred to a certain brief, rescript, or letter-apostolic, purporting to have been given at Rome on the 29th of September, 1850. Now, if they were to discuss this clause, they must have laid on the table of the House this rescript. Was the Committee to legislate in the dark? No one had seen the rescript, except perhaps the noble Lord and the hon. and learned Member for Midhurst (Mr. Walpole). At all events, he thought they ought to discuss the preamble first.

Lord JOHN RUSSELL thought it was much the better course to proceed in the usual manner, namely, to postpone the preamble until they had discussed the clauses of the Bill. He had, upon the suggestion of an hon. Member, consented once to discuss the preamble of a Bill first; but from the difficulties that subsequently arose in consequence, he was warned against agreeing to such a course again. [Mr. T. Duncombe: But what about the rescript?] It was quite clear that even if he consented to discuss the preamble it would lead to nothing practical, for then the hon. Member for Finsbury would ask for the rescript. If then they laid the rescript upon the table, the hon. Member would ask for the authority to prove it to be the one upon which they were legislating. Why, when they were discussing the Bill of 1829 he might as well have asked for the proof of the fact of certain Roman Catholic bishops assuming episcopal titles in England and Ireland. Why, as to the rescript, the matter was notorious, and did not require any proof.

Mr. MOORE would remind the noble Lord that when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) ventured to express an opinion upon the first clause, the noble Lord said, that he could not have read the preamble of the Bill, and unless he read the preamble it was impossible he could understand the first clause. That was then an argument in favour of their discussing the preamble of the Bill before the clauses.

Mr. AGLIONBY thought that the noble Lord himself was to blame for so much time being occupied in this way. He did not think the statement of the noble Lord at all satisfactory. No doubt it was the general custom to postpone the preamble; but this was a measure which did not fall within the general rules. It was not in principle or form an ordinary Bill. If hon. Members wished the preamble to be discussed, he certainly would support that proposition.

Mr. KEOGH had, he said, given notice that the preamble should be taken in the first instance. Hon. Gentlemen said, they made no way with this Bill. He would tell them why they had made no way since the Bill had been introduced, and in doing so, he said that his object was to take the noble Lord (Lord John Russell) out of the difficulty in which he had placed himself. Why then was it that the noble Lord had not made any progress? Because since the Bill had been introduced, there was no definite or settled plan in the noble Lord's own mind as to what he wanted to effect. The noble Lord had said that he did not want to propose a Bill beyond the necessity of the case; but the noble Lord was never able yet to say what was the necessity of the case distinctly, and then to carry it out boldly. Since the first hour the Bill had been introduced, the noble Lord had gone about chopping and changing his notions and his intentions. First, the noble Lord gave up on a very rigid pressure two clauses of his Bill to Ireland; and then the other night, under severe pressure, he took another clause from the other side, and not only a clause but a bit of a preamble. This, then, was the case since they last met. The noble Lord took a preamble, and it would be found that the first eight lines were taken from the Amendment of the hon. and learned Member for Midhurst (Mr. Walpole); and then the noble Lord, not to be unkind to Ireland, struck four lines out of his own preamble; and why was it that the noble Lord had struck out these four lines? Because he (Mr. Keogh) had challenged the noble Lord, and he had challenged the law advisers of the noble Lord, to show that the statement in these four lines was true. And now, after mature deliberation as he supposed, after having on the face of their preamble a statement for three months, they now, in one night—either the noble Lord instructed by his law advisers, or the law advisers instructed by the noble Lord—struck out these four lines. There was a concession to the Irish Members, and here a concession to the hon. and learned Member for Midhurst, and thus went on the noble Lord, balancing between two parties, with no defined ideas, and without any fixed purpose, giving utterance to high-sounding terms, and yet flying in a panic terror from their performance. These were the reasons why the noble Lord made no progress with this Bill. The noble Lord said, it was unreasonable in the Irish Members to ask for any delay; and yet how had the Irish Members been treated? They were called upon to discuss that evening a Bill which had been placed in their hands that morning. A Bill, which the right hon. Member for the University of Oxford (Mr. Gladstone), with all his mental astuteness, professed himself unable to comprehend, and that the hon. and learned Member for Sheffield (Mr. Roebuck), with as pointed an intellect as any Member on either side of the House, declared he could not understand. And yet the noble Lord, who refused to allow them time, gave facilities to others—facilities which he certainly did not give to them. The hon. and learned Member for Midhurst gave notice of certain Amendments; these Amendments were only applicable to the first clause in the Bill as it originally stood; but these Amendments were now addressed, on the paper, to the second clause, and yet the Bill, with the second clause, to which they were suited, only appeared that day for the first time — the fact being, no doubt, the hon. and learned Member for Midhurst, met accidentally, with the hon. and learned Attorney General, and although agreement existed between him and the noble Lord, they appear to hit it off very well together. But private Members, Irish Members who were not so fortunate as to meet with an Attorney General in search of a clause, or a First Minister of the Crown looking for a preamble, found that the Amendments of which they had given notice, would not fit the Bill as it now stood. They were placed at a disadvantage; whilst the hon. and learned Member (Mr. Walpole) was afforded a facility. He asked what was this for? He supposed that if he had met wandering on his accustomed hill the right hon. and learned Attorney General for Ireland, he would at last have been communicative. The noble Lord had said, that it was the universal practice not to proceed with the preamble of a Bill in the first instance. He admitted that it was so, because other Bills went upon settled principles; but what settled principle had they got here? Had they got any rescript either from the west of London or from Rome? Had not, too, the noble Lord himself announced a different principle every time he had spoken upon this Bill? Had he not first descanted upon the insult to the Sovereign? Had he not then dilated upon the territorial aggressions; and had he not at last amazed his hearers by telling them of some vast conspiracy against the civil and religious liberties of the world? The right hon. and learned Master of the Rolls, in proposing this Bill, said that the intention was to prevent the synodical action of the Roman Catholic Church in Ireland. He now asked was that intention adhered to or abandoned? But the noble Lord said, it was the regular practice not to take the preamble in the first instance; but he would tell the noble Lord why he (Mr. Keogh) desired to take the preamble first: it was because the statement in that preamble was not founded in law or in fact. He had challenged the law officers of the Crown, over and over again, to prove that it was so, and they had not accepted his challenge. He hoped to overthrow the preamble, and if he did so, then the superstructure would go with it. He might here observe that the noble Lord had introduced Amendments which made the Bill more stringent. The Bill had first referred to archbishops and bishops, but the noble Lord was not content with that. He (Mr. Keogh) had to present a petition from the Catholic Dean of Raphoe, and he asked the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) if he would object to it? The hon. Baronet answered him *de minimis non curat lex,* that such small things were below his notice; but they were not below the notice of the noble Lord at the head of the Government, for his Bill now aimed at the Catholic deaneries. It had been suggested by the right hon. Member for Manchester (Mr. M. Gibson) that they might dispense with a preamble; and if they commenced their Bill with the first clause, as the noble Lord proposed they should do, in Committee, then their Bill would be alike unintelligible and absurd. But the question had been asked of them by the hon. Member for Finsbury (Mr. T. Duncombe), where was the rescript? He repeated the question—where was the rescript referred to in the Bill? He ventured to affirm that it had never met the eyes of the noble Lord—that it never had been published in this country. What the noble Lord referred to was quite a different and a distinct thing; for in it the name of Cardinal Wiseman never appeared as Archbishop of Westminster. The hon. Member for Cork (Mr. Roche) was perfectly right when he said that the Attorney General and the Solicitor General did not agree as to the effect of the Bill upon Ireland; but the strangest thing was the way in which they had misunderstood his (Mr. Keogh's) argument as to the Charitable Bequests Act. He maintained that the Bill, if it ever became a law, would virtually repeal the Charitable Bequests Act. The 15th section of the latter Act, which was framed in a spirit of comprehensive statesmanship which did not suffer itself to veer about with every breath of wind out of doors, provided that any person might leave property to the Commissioners for the benefit of the Catholic archbishop or bishop officiating in any district; but the present Bill provided that if any person other than those authorised by law should take any title from any district, under any designation or description whatsoever, he should be fined 100*l.* Now, suppose any person were to draw a deed giving property for the benefit of the archbishop officiating in the district of Cork, was not that giving it to him under the designation and description of an archbishop officiating in that district, and equivalent to the archbishop of that district? Most unquestionably it was, and he considered that he was fortified in that declaration by the opinions of Sir FitzRoy Kelly, Mr. Brodie, and Mr. Baddeley. The Charitable Bequests Act left it to the Catholic Commissioners to decide who was the person meant; and how could they do that but by referring to the brief, rescript, or letters-apostolical, under which alone the Roman Catholic prelates of Ireland held their sees. He (Mr. Keogh) considered that they were fully justified in exposing the inconsistencies and absurdities of the measure, and that it was not to the delay interposed by the Irish Members, but to the blunders of the promoters of the Bill, that its slow progress was really to be attributed.

The SOLICITOR GENERAL certainly could have wished that, in accordance with the opinion expressed by the hon. and learned Member for Abingdon (Sir Frederick Thesiger) the hon. and learned Gentleman who spoke last could have confined himself to the question now before the Committee, namely, whether the preamble was to be postponed. Instead of that they had an elaborate attack upon the conduct of the Government in bringing forward this Bill from beginning to end; there was an attack on every clause and provision of the Bill, and a long argument upon the second clause, on which the hon. and learned Member for Athlone had founded an ingenious argument with reference to the Charitable Bequests Act, which he (the Solicitor General) did not intend at that moment to follow. [*Ironical cries of* "Hear!" *from the Irish Members.*] He perfectly understood that cheer, but he would tell the hon. Gentlemen that raised it that it was not because he was not prepared to demolish every argument of the hon. and learned Gentleman, but because he would reserve himself for doing that at a proper time. They had quite enough to do in discussing this Bill to discuss it regularly, and without interfering with extraneous subjects. He would now confine himself to this one observation, that the hon. and learned Gentleman could not even quote the clauses correctly, and had built his whole argument on a misquotation of the clauses. Every person knew that the common reason for postponing the preamble of a Bill was, that the clauses were the important features of the Bill, and first of all they should determine what those clauses were to be before they agreed to the preamble that was to be adapted to those clauses, on the principle that every author wrote his preface after he had written his book. The hon. and learned Gentleman had said that nothing was too minute for the noble Lord; but the only ground he (the Solicitor General) could hear from the hon. and learned Gentleman for postponing the preamble was this—"What," said he, "are you to do with the word 'said' if you do not pass the preamble?" But the hon. and learned Gentleman must recollect that, with respect to every Act of Parliament that passed that House, he would have the same objection to make. The hon. and learned Gentleman had said that nothing was too little for the Government, yet the hon. and learned Gentleman made such an objection as that which, considering his talents, he was surprised to hear raised by him. But the hon. and learned Gentleman did not originate the objection; he merely adopted the notion of the hon. Member for Finsbury (Mr. T. Duncombe). He (the Solicitor General) could not have expected that such an objection would come from any hon. and learned Member of that House. He considered that from beginning to end there was no change in this Bill. The Bill in its form and intention throughout was this—that they should not allow those titles to be assumed under the Papal brief. It was said that there was a variance between the opinions of his hon. and learned Friend the Attorney General and himself on this Bill. He had expected such an assertion from the hon. Member for the county of Cork (Mr. Roche), but he did not expect it from the hon. and learned Member for Athlone, for he was sure he must know better. He (the Solicitor General) contended that there was not the slightest discrepancy between his opinion and the opinion of his hon. and learned Friend the Attorney General. The hon. and learned Gentleman (Mr. Keogh) said they had adopted a portion of the hon. and learned Member for Midhurst's preamble, and he thought he had discovered some mystery in that; but was it not announced by the noble Lord at the head of the Government, on Friday night, that he would adopt the first clause of the hon. and learned Member for Midhurst? He (the Solicitor General) begged to say that no one connected with Her Majesty's Government had the pleasure of seeing the hon. and learned Member for Midhurst from Friday night until that evening at five o'clock, and then no such communication as the hon. and learned Gentleman referred to was necessary, inasmuch as the notice to which he referred was put on the paper on Saturday. Then there was a great point made by the hon. and learned Gentleman as to the deaneries; but the fact was that they had merely recited the clause referring to them from the Act of 1829. He apprehended that the Committee would at once see that there was no foundation laid for departing from the established practice of the House.

Mr. REYNOLDS would move that "the Chairman do report progress." [*Cries of* "Oh, oh!"] Before this Bill was passed, hon. Gentlemen would be tired of calling "Oh." The Government had an opportunity of putting forward the Attorney General and the Solicitor General, to explain this measure, but they had not thrown very much light on the subject. With regard to the speech of the hon. and learned Solicitor General, he did not believe that even an unlearned man like himself (Mr. Reynolds) could receive that explanation as satisfactory. He only threw mist on a subject that was tolerably clear before. He asked the hon. and learned Gentleman if he meant by the preamble of the Bill, and the few clauses embodied in that Bill, to interfere with the free action of the Catholic bishops and clergy of the United Kingdom, in the discharge of their clerical duties? Did he mean to repeal the provisions of the Charitable Bequests Act, or direct his attention to the rescript, a copy of which, as had been said by the hon. Member for Finsbury (Mr. T. Duncombe) ought to be laid upon the table of that House?

MR. ROEBUCK said, that nobody could be more opposed than he was to this Bill; but he would oppose it by fair argument, and by open and honest opposition endeavour to put an end to it. He would entreat of hon. Members to let them go to a division on the postponement of the preamble, and though they should be beaten they would not be conquered. When this Bill was called into action, the imbecility of the Government that proposed such a law would be manifest to the whole world. He would entreat of hon. Gentlemen to remember that they should adopt an open, honest, and fair opposition, and should not violate the forms of the House. A large experience proved that Englishmen observed those forms; and let it not be said that it was reserved for Gentlemen from Ireland to prove to the House of Commons that it could not govern itself.

MR. MOORE fully appreciated the advice which the hon. and learned Gentleman had just tendered them; but how stood the case? Her Majesty's Government had that day introduced a Bill into the House which every hon. Gentleman, with the exception of the Members of the Government, had stated that he did not understand; and even the hon. and learned Gentleman himself, who had as acute a mind as any one in the House, had said that he could not understand it. It was unreasonable to call upon them to proceed with the Bill under these circumstances.

MR. ROEBUCK quite agreed with the hon. Gentleman that postponement might be asked for the purpose of letting the subject be understood. [MR. MOORE: That is my object.] But a proceeding having that object did not begin with a discussion as to postponing the preamble, and then accumulate opposition by a Motion to report progress. They ought not to take any course which might expose them to the imputation that they were not fighting fairly. If they said openly that they were not in a position to fight the Bill, because they did not understand it, they ought to say at once, "Give us till to-morrow." But they had been discussing the preamble, and now came to a second proposition that the Chairman should report progress.

MR. MOORE said, that the hon. and learned Member for Sheffield had not been present during the evening. The hon. and learned Member for Athlone (Mr. Keogh) had never put his Amendment. There had been nothing but a desultory conversation. ["Oh, oh!"] The expression was not his, but had been applied throughout the evening. That desultory conversation was raised on the statement of the hon. and learned Attorney General. The opponents of the Bill had never raised a discussion on the question that the preamble be postdoned; he repeated that the hon. and learned Member for Athlone had not raised the question.

The EARL of ARUNDEL AND SURREY thought it must be allowed that they had discussed to the last moment the postponement of the preamble, and had cleared the galleries for a division, when the hon. Member for the city of Dublin proposed that the Chairman should report progress. He hoped his hon. Friend would withdraw that proposition, and divide on the subject of the postponement of the preamble, which did not affect any particular part of the Bill, and after that he trusted the Government would not press them to go further into the question for the reasons stated in the earlier part of the evening.

MR. P. HOWARD begged also to request that the hon. Member for the city of Dublin would withdraw his proposition.

MR. REYNOLDS said, that none of the appeals that had been made to him proved that he was wrong, and he would persist in dividing the Committee.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 30; Noes 271: Majority 241.

Question put "That the Preamble be postponed."

The Committee divided:—Ayes 258; Noes 45: Majority 213.

List of the Ayes.

Adair, H. E.
Alcock, T.
Anderson, A.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baird, J.
Baldwin, C. B.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, Adm.
Berkeley, C. L. G.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brown, W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Carter, J. B.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marq. of
Child, S.
Christopher, R. A.
Clay, J.
Clive, hon. R. H.
Clive, H. B.
Cockburn, Sir A. J. E.
Collins, W.
Conolly, T.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, J.
D'Eyncourt, rt. hn. C. T.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Elliot, hon. J. E.
Evans, W.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Gaskell, J. M.
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Granger, T. C.
Greenall, G.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Gwyn, H.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hodges, T. L.
Hodges, T. T.
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Howard, hon. E. G. G.
Hughes, W. B.
Hutchins, E. J.
Inglis, Sir R. H.
Jackson, W.
Jones, Capt.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. H. P. G.
Lascelles, hon. E.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Long, W.
Loveden, P.
Mackie, J.
Macnaghten, Sir E.
M'Taggart, Sir J.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord J.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Noel, hon. G. J.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Paget, Lord C.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Prime, R.
Reid, Col.
Renton, J. C.
Repton, G. W. J.
Ricardo, J. L.
Rich, H.
Richards, R.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Rushout, Capt.
Russell, F. C. H.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Seymour, H. D.
Seymour, Lord
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Slaney, R. A.
Smith, J. A.
Smyth, J. G.
Smollett, A.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Spooner, R.
Stanford, J. F.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Stephenson, R.
Stuart, Lord J.
Stuart, H.
Sturt, H. G.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Taylor, T. E.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Tyler, Sir G.
Tyrell, Sir J. T.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Wakley, T.
Wawn, J. T.
Whiteside, J.
Wigram, L. T.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wynn, H. W. W.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Aglionby, H. A.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Blewitt, R. J.
Clements, hon. C. S.
Corbally, M. E.
Crawford, W. S.
Devereux, J. T.
Fagan, J.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.

Herbert, H. A.
Higgins, G. G. O.
Keating, R.
Keogh, W.
Lawless, hon. C.
Magan, W. H.
Maher, N. V.
Meagher, T.
Morgan, H. K. G.
Murphy, F. S.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Power, Dr.
Power, N.
Roche, E. B.
Roebuck, J. A.
Sadleir, J.
Scully, F.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Trelawny, J. S.
Wegg-Prosser, F. R.

TELLERS.
Moore, G. H.
Reynolds, J.

The EARL of ARUNDEL AND SURREY submitted that it was not desirable at that hour of the night (twenty minutes after eleven) to proceed with the first clause of the Bill, and hoped that the Government would consent to the Chairman reporting progress.

SIR GEORGE GREY said, the greater part of the debate had turned on the first clause; and though it was then after eleven o'clock, it was not an unusual hour to proceed with the consideration of the clauses of a Bill.

MR. M. J. O'CONNELL said, it was impossible to finish the discussion on the first clause that night, and he would put it to the Committee whether it would be desirable to proceed further at that hour.

MR. REYNOLDS urged on hon. Members who were opposed to the Bill to stand firmly together, unconcerned by the disparity in the majorities on the last two divisions. They would gain nothing by political gentility, or by scraping and bowing to the Treasury benches. The hon. and learned Member for Sheffield (Mr. Roebuck) had appealed to him not to press his Motion. He (Mr. Reynolds) could not consistently comply with that request. They divided; and what did the hon. and learned Member gain for his (Mr. Reynolds') party by going into the library? He saw no reason for complying with the request of the right hon. Gentleman (Sir George Grey), that the Committee should proceed with the consideration of the first clause that night. Without meaning to pursue any course that could be called factious, the Committee having now decided that the preamble should be postponed, if the Government, having had an opportunity of putting forth their Attorney General and Solicitor General, with a tyrant majority, would now enter on the discussion of the first and most important clause at that hour, he would make no apology for adopting any line of conduct he thought proper with regard to this Bill. He should oppose the Committee proceeding at that hour with the consideration of the first clause, no matter how many divisions took place.

MR. ROEBUCK said, the hon. Gentleman (Mr. Reynolds) had asked him what he got by doing what he thought right? It was a curious way of putting such a question. He (Mr. Roebuck) would tell him what he thought he got. He believed that a large majority of the people of both countries would judge them by what they did in that House, and that if they, fairly and honestly opposing this Bill, acted on the principles of the constitution, as embodied in their rules and laws, the people of England and Ireland would see they had done their duty. But if they did their utmost to render the rules by which they were governed in that House mischievous to the country, they would at the same time be doing their utmost to endanger the great cause of constitutional liberty. It was in that manner that he looked on the questions that had agitated the House that night; and while he did not do injustice to the strong feelings of Irish Members, let them, on the other hand, not do injustice to the strong feelings of English Members who had fought the great battle of constitutionalism, and had rendered that House what it was both for Irishmen and Englishmen. When Mr. O'Connell was opposing the Coercion Bill for Ireland, in 1833, he did not act in this manner, and though he was then nominally beaten in that House, his victory over the Treasury bench was the more striking the year after. Now he thought there was a good reason for postponing the consideration of the clauses. The alterations in the measure had been made suddenly. The Bill had been printed late in the day. The alterations which were proposed in the old Bill did not fit the new one, and it was therefore but fair that hon. Members should have an opportunity of arranging these alterations so as to fit the new Bill. The first clause in the new Bill was not in the old one at all. He thought this clause a most important one, and he believed that those who were opposing the Bill would be able to show the House, that as it stood now, it was either ineffective, or so sweeping as to be dangerous. Let the Government then give the Irish Members twelve hours; let them have no reason to say that they were governed by a tyrant majority, and even if it should turn out hereafter that those twelve hours were thrown away, what was that in the government of the country? Let them be able hereafter to say to the people of Ireland, "We did everything that justice called on us to do; there is no pretence for saying that there was not a fair discussion."

Sir R. H. INGLIS said, that reference had been made to a tyrant majority; but after the repeated divisions which had taken place against the strongly declared opinion of the House, he must say that if they were not to be governed by a tyrant minority, it was the duty of the Government to protect the majority, and not allow the public business, whatever it might be, to be impeded. Was the business of that House to be stopped because thirty or forty Gentlemen chose to oppose themselves to majorities of the House which had never been exceeded on any former occasion—in one instance that night, he believed the majority was nine to one?

The Earl of ARUNDEL and SURREY did not rise to defend himself and other Members who went into the library on a recent occasion, but in order to express his extreme regret that any Catholic Member for Ireland or England should say a word against any Protestant Member in that House who was supporting their cause—still more with respect to one who had supported their cause with so much ability, zeal, and discretion, as the hon. and learned Member for Sheffield (Mr. Roebuck). He trusted that the Government would listen to the appeal which he had addressed to them.

Sir FREDERICK THESIGER said, he hoped that the Government would accede to the request for delay. It had accepted the Amendment proposed by the hon. and learned Member for Midhurst (Mr. Walpole), which made a declaratory enactment in their Bill, applying merely to the rescript of the Pope of the 29th of September, 1850. In answer to a question put by his right hon. Friend the Member for the University of Oxford (Mr. Gladstone), his hon. and learned Friend the Solicitor General had explained that, although that declaratory enactment applied solely to England, it would have such an effect upon the law that the Judges of Ireland would feel themselves bound to declare that any brief would be illegal and void in Ireland. He assumed, therefore, that it was the intention of the Government that any brief should be illegal in Ireland; and, if that was so, it would be infinitely better that that intention should be declared on the face of the Bill itself. Immediately, therefore, that he heard the answer of the hon. and learned Solicitor General, it occurred to him that it would be desirable to introduce such an amendment into the first clause as should make it, in distinct terms, apply not simply to the particular brief to which it was at present directed, but to all similar briefs and rescripts—extending it, therefore, to Ireland, as he presumed it was the intention of Government that it should. It was impossible, then, to enter upon the consideration of that Amendment, and he therefore hoped that the Government would accede to the application which had been made to them to allow the Chairman to report progress.

Mr. GEACH said, that he was one of the Members who went into the library in consequence of the conduct of the hon. Members opposite (the Irish Members). He went into the lobby with them on the first occasion, for having lately come into the House with a distinct declaration that he should vote on every occasion against the Bill before the House, he sought for an opportunity of recording that vote, and on every fair opportunity that presented itself he should vote against the Bill; but he did not feel that he should be right in supporting the course taken by hon. Gentlemen opposite, for he could not help feeling that it was frittering away the time of the country without any practical use. He entreated those Gentlemen not to continue thus to occupy the time of the country. He should vote with them against the measure on all fair opportunities, but he should not join them in the course which they had pursued, for he did not think it was one which advanced the cause the had at heart.

Sir GEORGE GREY said, that when he was asked to allow the Chairman to report progress immediately after the division, remembering that the discussion had turned so much upon the first clause, he thought it was the duty of the Government (having regard to the public time which ought to enter into their consideration) to ask the Committee to go further into the consideration of the Bill. Time was then, however, going on; they were engaged in a discussion that could lead to no profitable result; it was clear that they could make no real progress that night; and if it was the case that the

Bill, having only been printed that day, hon. Gentlemen wished to give notice of Amendments, that was no doubt a reason for delay. He hoped that on Friday next, which was the first day that they could again consider the Bill, they would enter upon the discussion of the clauses at five o'clock, and proceed with it without any further delay.

House resumed; Committee report progress; to sit again on Friday.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, May 20, 1851.

MINUTES.] *Reported.*—Property Tax.
ROYAL ASSENT.—Exchequer Bills; Indemnity; Apprentices and Servants.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL — PREVENTION OF OFFENCES BILL.

House in Committee.

LORD CAMPBELL stated that the operation of these Bills extended to Ireland; and he had received a letter from the Lord Justice Clerk of Scotland, requesting that a part of their provisions might be extended to Scotland also. He (Lord Campbell) should be most willing to follow his advice; but as only a part of the provisions were applicable to Scotland, he recommended that a separate Bill should be introduced for that purpose. He would either introduce it himself, or if the Lord Advocate introduced it, he would lend his best assistance to carry it through Parliament.

Amendments made: the report thereof to be received on Thursday next.

CAPE OF GOOD HOPE.

LORD WHARNCLIFFE rose to put a question to his noble Friend the Secretary for the Colonies on a subject on which some explanation was certainly required. It would be in the recollection of some of their Lordships that about a month ago—he believed on the 15th of April—a gentleman of high authority, who took a great interest in the affairs of the Cape of Good Hope, proposed in the other House of Parliament that a Commission appointed by the Crown should be sent out from this country to inquire into the state of affairs in that colony. It would also be in their recollection that the Government met the proposition of that Gentleman (Mr. Adderley) by a counter proposition, negativing the appointment of a Commission, and proposing an inquiry by a Select Committee of the House of Commons. One of the principal grounds of opposition to the appointment of a Commission was stated to be that it would interfere with the operations and diminish the effectiveness of the authority of the local Government of that colony. [See 3 *Hansard*, cxvi. 226.] With the assent of Ministers, a Committee of the House of Commons was appointed; but the Committee was not named at the time, and indeed was not named till the 9th of the present month. The members of that Committee had not yet sat. It was stated by Ministers in the course of the debate on the 15th of April, that if it should appear to the members of the Committee that a commission should be sent out to the Cape of Good Hope to make inquiries on the spot, no objection would be taken to such a measure. As yet there had not been any opportunity of obtaining the opinion of that Committee, for, as he had stated, the Committee had not yet sat. It appeared, however, that a commission had been appointed to inquire into the present condition of that colony; and under these circumstances he now asked his noble Friend to explain the motives which had induced the Government to appoint this commission, the powers which had been intrusted to it, and the special objects into which it had been authorised to inquire.

EARL GREY said, that it was perfectly true that it was proposed in the other House that a Commission of Inquiry should be sent to the Cape of Good Hope, and that that proposition was objected to on the part of Her Majesty's Government, on the ground that the appointment of Commissioners of that description would interfere materially with the powers and functions of the Governor, and introduce much confusion into the affairs of the colony; and also on the ground that the general state of affairs at the colony had more than once been a subject of inquiry, and that further inquiry on that point was not required. At the same time it was stated that, as the war which had unfortunately broken out would render it necessary to apply to Parliament for a considerable grant to meet its expense, Her Majesty's Government thought it only reasonable that, before that vote was applied for, a Committee of the House of Commons should be appointed, before whom should be laid the information connected with that subject, so that the Committee might be satisfied of the necessity for the expenditure. Although, however, he believed that the appointment of a commission of inquiry as proposed by Mr. Adderley, would have been extremely inconvenient, he thought that although a commission of inquiry on the spot might not be necessary; yet that under the difficult circumstances in which he was placed, Sir H. Smith required some further assistance. When Sir H. Pottinger was sent out to the Cape of Good Hope at the end of 1846, he held, besides the appointment of Governor, a separate and distinct commission, by which he was appointed Her Majesty's High Commissioner for the adjustment of the affairs of the border tribes. And although, perhaps, no distinct or definite powers were conveyed by that Commission, it still pointed out one of the most important duties which he was expected to perform, and invested him with a certain degree of authority over the persons with whom he had to deal in that capacity. When Sir H. Pottinger was promoted to a higher office, and went to India, Sir H. Smith was appointed in the same terms High Commissioner for the affairs of the border tribes; and what was now intended by Her Majesty's Government, was to appoint two assistant commissioners under Sir H. Smith, for the management of this same business. It was not strictly a commission of inquiry, for he did not believe that inquiry would throw much light on the actual condition of affairs on the borders of the colony, or in the colony itself; nor did he think that it was likely to lead to any change in the policy to be adopted, for that policy had been carefully considered, and the views of all the different persons who had considered it coincided upon almost every important point. These views were adopted so long ago as 1845, on the recommendation of Sir Benjamin D'Urban; they were fully stated in a despatch which he (Earl Grey) addressed to Sir H. Pottinger at the time he proceeded to the Cape; they were adopted by Sir H. Pottinger in the course of his administration, and were mainly in accordance with those adopted by Sir H. Smith, when he succeeded to office. But although the general principles of the policy to be adopted were generally concurred in, there was much practical difficulty in their application. There were many questions of great nicety and complexity arising from the disputes of the border tribes, particularly with reference to the occupation of land, which required to be promptly decided, and when decided to be promptly executed—indeed, he believed that to a want of means deciding and enforcing the rights of the various parties, might be attributed many of the difficulties that had lately arisen. Now, although Sir H. Smith was appointed commissioner for this purpose, he must necessarily at the present time be so much occupied with the command of the military forces, and with the general direction of the civil government of the colony, that it was not possible for him to give that minute attention to these questions which was necessary for their prompt and satisfactory adjustment. He (Earl Grey) thought it of extreme importance—considering the state of affairs at the Cape, the number of private interests that were involved, and the manner in which, unfortunately, party spirit had been enlisted in questions that had arisen there—that, in the adjustment of these various points in dispute, and the grievances alleged by different classes of the population, which had led to the revolt of one very numerous class of the population whose assistance in the former war was of great value, Sir Harry Smith should have the assistance of able and impartial persons, who were at the same time intimately acquainted with the affairs of the colony. It was with that view that choice had been made of two gentlemen who had greatly distinguished themselves in the late Kaffir war, and had since left the colony without any intention of returning to it; but who had now, from a sense of public duty, though at considerable inconvenience to themselves, accepted the offices of assistant commissioners under Sir H. Smith, for the adjustment of these affairs. One was Major Hogg, who had been captain in the 7th Dragoons when that regiment was employed at the Cape, who was then entrusted by Sir H. Pottinger with the duty of raising the Hottentot levies during the wars, and who had so much influence with them that he was enabled to raise a large body of men whose services were of the greatest value. The other gentleman was Mr. Owen, who went to the colony a very young man, immediately after taking his degree at Oxford, resided there some time, and had the great advantage of speaking the Kaffir language with great facility. He had only returned to this country in May last, and there were the highest testimonials to his merit both from

Sir H. Pottinger and Sir H. Smith. These were the grounds upon which their appointment had been made, and he trusted that they would be of the greatest service in assisting Sir H. Smith.

LORD WHARNCLIFFE asked his noble Friend whether he had any objection to the production of this commission?

EARL GREY would rather that his noble Friend should not move for the production of this commission at present, as in a few days he should lay on their Lordships' table additional papers explanatory of the state of affairs in this colony, and this commission would be among them.

The EARL of ELLENBOROUGH said, that if the noble Earl had really been desirous of giving assistance to Sir H. Smith in the difficult position in which he was now placed, he would have done so better by sending out to him two regiments instead of two commissioners.

EARL GREY had to inform the noble Earl, that on the first receipt of the late intelligence from the Cape of Good Hope considerable reinforcements had been sent out to Sir H. Smith, and that more would speedily leave this country for the same destination. Though he agreed with the noble Earl that it was important Sir H. Smith should have a strong military force at his command and under his disposal, yet he also maintained that that officer should have sufficient assistance to carry on, he would not say negotiations—for that was not exactly the word—but to carry on his dealings with the native tribes, to keep in allegiance such of them as were faithful to us, and to make their services useful and available.

The EARL of ELLENBOROUGH knew something of the doings of those who were called "politicals," who had often interfered very adversely with military officers. If the political and military measures of the colony were to be mixed up together, it was only adding a new element of danger to those which were already impending over that colony. It was the opinion of one of the highest authorities on military affairs, that it was better to have one bad general than three good ones, if they chanced to differ. The noble Earl had one good general already; but why should he send out two inefficient agents to thwart him?

EARL GREY entertained as strong an opinion as the noble Earl did of the necessity of having a concentration of authority. It was on that account he had objected to the appointment of a commission of inquiry. If the noble Earl had done him the honour to listen to what he said, he would have heard him declare distinctly that, though the two commissioners were to be associated with Sir H. Smith in the commission, they were not be equals, but to act under him as subordinates. He had yet to learn that even the Emperor Napoleon did not attach value to the assistance of good officers acting under him.

Subject at an end.

REGISTRATION OF ASSURANCES BILL.

LORD CAMPBELL said, that by the direction of the Select Committee, to whom their Lordships had referred the Bill for the Registration of Deeds and Assurances affecting Land, he had to report that Bill, and to state briefly the course adopted by the Committee. He was particularly anxious to do so, as a rumour had been industriously propagated by the enemies of the measure that the Committee had quarelled, and found the measure wholly valueless. So far was this from being true, that the Committee was throughout unanimous, and entertained the most auspicious hopes that the measure would now pass into a law; and the Committee first took into consideration the petitions against the Bill which the House had referred to them. He believed that all the petitions were from solicitors. One, which was from the solicitors of London, confined its objection to the principle of the Bill, stating that in their experience there had been few instances of persons who had purchased landed property losing it through a bad title. He believed that was true; but the allegation of the frequent occurrence of such losses never was made a foundation of this measure. Its foundation was the enormous expense and trouble arising from the existing state of the law, and from the necessity of taking precautions to guard against danger. There were also petitions from country attorneys, not objecting to the principle of the Bill, but praying for district register offices; and he could not help suspecting that the hope of being registrar, or deputy or assistant registrars, in these various districts, had influenced the opinions which they had formed upon the subject. The Committee, however, were of opinion that there must either be one registry for England and Wales, or that the measure must be abandoned altogether. These district offices would entail an enormous expense, and the work could not be done by them nearly as well or as conveniently as by one metropolitan office. All England and Wales might now be considered one great city; and such was the facility of communication with London, that it was frequently more easy to get at the metropolis than at the county town. The next question was, whether maps should be issued as supplemental to the indexes; and upon this point the Committee, after hearing the question elaborately argued, came to the conclusion that maps would be highly desirable, but that at present there were not maps in existence sufficient to start the measure, and that it would be necessary to postpone it for an indefinite time, if they were to wait for them. It had been supposed that by the maps of the Ordnance Survey, and the maps for the commutation of tithes, and for the parochial assessments, maps might have been found for every part of the kingdom, that would have formed a foundation for the registration of deeds; but it was found that the Ordnance maps were very far in arrear, and that those for the commutation of tithes and the parochial assessments were very imperfect. He hoped, however, that in the course of a few years there might be accurate maps for every county in England, which might assist the system of registration. The original Bill had been drawn introducing maps; but the Committee had directed it to be re-drawn, omitting the clauses which related to the maps, and in that shape he now had the honour of presenting it to their Lordships. He trusted that the time had now come when this great measure would at length be passed into law. It was most violently opposed now, as it was twenty years ago, by the attorneys, who thought that it would diminish their business. He believed, however, that this was an error; for when conveyancing was simplified and the expense lessened, he had no doubt that the business in this branch of the profession would be greatly increased. He had no doubt that the attorneys would use all their influence against the Bill in the other House of Parliament, where, no doubt, from their connexion with many of the Members, they had great influence. He hoped, however, that their Lordships would show their approval of the measure by the unanimity with which they gave it their support. He begged to present the Report of the Select Committee with Amendments, and to move that the Bill be reprinted in its amended form, and taken into consideration on Friday next.

Lord COLCHESTER said a few words in approval of the Bill.

Lord BEAUMONT thought this measure would be a great boon to the country. The conviction of the necessity of such a measure was the growth of many years, and had received the sanction and support of all the law Lords and of noble Lords of all political opinions. The only parties who were opposing it were those interested in the continuance of the evils of the present system—the attorneys and solicitors. He regretted the opposition of the solicitors to the Bill. They objected to a central registration, but they admitted that the local system was imperfect. They objected to the depositing of the original deeds, and thought that it would be enough to deposit memorials; but it was notorious that memorials were quite insufficient, and that they sometimes misled. As to the expense, he believed that a central registration would be less expensive than a local system.

Motion agreed to. Bill *committed* to a Committee of the whole House on *Friday* next.

PROPERTY TAX BILL.

House in Committee.

The Earl of ELLENBOROUGH said, he wished the noble Marquess opposite to afford him some information as to the interpretation to be put upon the clause which had been introduced into this Bill for the purpose of enabling tenant-farmers, whose profits and gains had fallen short of their existing assessment, to obtain an abatement in the amount which they formerly contributed to the tax. The third clause of the Bill provided, that—

> "If at the end of the year of assessment any person occupying land for the purpose of husbandry only, and obtaining his livelihood principally by husbandry, who should be assessed under Schedule B, should prove to the satisfaction of the Commissioners that his profits and gains arising from the occupation of such lands fell short of the sum on which the assessment was made, it should be lawful for him, on appeal made within three months of the expiration of the year, to cause an abatement to be made proportionate to the deficiency of his profits."

He (the Earl of Ellenborough) was in the habit of acting as a Property Tax Commissioner, and he wished to call attention to the difficulty which he should experience in giving a property construction to this new clause. It was well known that the expenditure of a farmer, and his profit upon that expenditure, did not both occur in the same year. A farmer possessed of capital might not sell his crops at once, but keep them back in order to obtain a higher price; and no doubt in one particular year his money gains might not amount to the sum at which he had been accustomed hitherto to be assessed. Again, a farmer in 1849 and 1850, for example, might by over-cropping have exhausted and injured his land, and he might thereby have made, by anticipation, his profit of the year 1851; but in 1851, in consequence of the ill-usage which the land had suffered, he might not make a profit equal to his assessment. On the other hand, by farming more liberally and more sensibly, he might make a large purchase of manure in 1851, or effect other improvements; but the profit on that expenditure would not be realised till 1852, 1853, or even later; and in 1851, if the whole of his expenditure of the year was balanced against the whole of his receipts, he might appear not to have made enough gains even to pay his rent. In the first year of improvements it might often be the case that the profits made did not equal the amount of the assessment. What were the Commissioners to do in these cases? Were they to endeavour to strike an average for a term of years; or, contrary to all reason, to endeavour to ascertain what was unascertainable, probably, except in extreme cases, namely, whether the profits of a farmer in each particular year were equal to the assessment?

The MARQUESS of LANSDOWNE said, that no doubt great difficulties, such as the noble Earl had alluded to, existed in ascertaining what might be fairly set down as the amount of a farmer's profits in any particular year. But these difficulties were incidental in the system of a property and income tax, and could not be altogether obviated. All they could do was to mitigate them as much as possible. It should be borne in mind, however, that such difficulties were not peculiar to the case of the farmer; they were in an equal degree incidental to that of the trader who might lay in a greater stock of goods in one year, and not realise his profit on them until another; and there was the same probability (to put it no higher) of approximate justice being done in the one case as in the other. All that could be done in either case was to strike a balance as fairly as possible between the profits and expenditure of one year as compared with those of another.

Bill *reported*, without amendment; and to be read 3^a on Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 20, 1851.

MINUTES.] NEW WRIT.—For Harwich, *v.* Henry Thoby Prinsep, Esq., void Election.

PUBLIC BILL.—1° Stamp Duties (Ireland) Continuance.

ADJOURNMENT OF THE HOUSE—THE DERBY.

MAJOR BERESFORD, in moving that the House at its rising do adjourn until Thursday, said it has been the custom for the last three years not to sit upon the Derby Day. He found upon looking at the paper for to-morrow, that there was really no business to be done, so that if they did not consent to adjourn, the effect would be to oblige the clerks of the House to sit there all day, even although there was nothing for them to do. It was not for the sake of the Members he made this Motion, for they would most probably go to the Derby whether the House sat or not; but for the sake of the clerks, who would suffer the inconvenience to which he referred, without any advantage being reaped by the Members or the public. He would remind them that they would be deprived this year of a holiday which they usually obtained, by the fact of Her Majesty's birthday being held upon a Saturday.

MR. SLANEY seconded the Motion.

MR. HUME said, he did not mean to divide the House against the Motion, but he thought it was not too much to give way to horseracing and horsemen to the extent that was done. Since last year a part of Kensington Gardens had been taken possession of in a way that was most unreasonable. The noble Lord at the head of the Woods and Forests had given his assent in a most unaccountable way to the encroachment of riders upon those gardens; and he should have liked the House to meet to-morrow, in order that the noble Lord might state who were the applicants at whose instance he had broken through a rule that had existed for so many ages, and by which pedestrians were permitted to use Kensington Gardens without being disturbed by people on horseback. He wished to know if the noble

Lord had set public opinion at defiance, and made this innovation on the rights of the people of his own accord, or whether it had been done on the petition of the equestrians themselves. There was in this matter a kind of compact that ought to have been kept; but the noble Lord, disregarding the wishes of the people of Kensington and Marylebone, had consented, for the sake of a few individuals whom nobody knew, to break entirely through it. No public man had ever treated with so much contempt the interest and claims of the citizens as the noble Lord had done. He would not put the House to the trouble of dividing, but he wished to hear some explanation upon this matter. He did not object to the horsemen going to the Derby, but he did object to their intrusion upon Kensington Gardens, in the neighbourhood of which many people had taken houses solely on account of the quiet and retirement they enjoyed there with their families. He was sure that if the noble Lord had known the strong feeling which would have been created by his conduct in this matter, he would not have acted in the way he had done.

Sir JOHN PAKINGTON said, the hon. Gentleman seemed to think that it was a good opportunity for discussing every kind of horsemanship when they were on the subject of the Derby. As the House had listened to the hon. Member for Montrose, he hoped they would also listen to him, while he, as one of the public, tendered his thanks to the noble Lord at the head of the Woods and Forests for the accommodation he had extended to those who, like the hon. Member for Montrose and himself, liked to take exercise on horseback. He did not know whether the hon. Gentleman had yet extended his rides to Kensington Gardens; but, if not, he was sure that when he did so, he would come to the opinion that the accommodation for riders had been given without the slightest infraction upon the comfort and convenience of those who loved to walk in Kensington Gardens. So well had the matter been arranged, that the people had the most ample room to walk, while hundreds of acres were unencroached upon.

Mr. W. PATTEN wished to add his thanks to the noble Lord at the head of the Woods and Forests for the very excellent accommodation he had given to riders in Kensington Gardens. The hon. Member for Montrose was quite mistaken on this subject, and he would venture to say that in point of numbers the riders accommodated were five to one of the pedestrians. He would undertake to say, that the pedestrians were just as numerous in Kensington Gardens now as before. He was a good witness in this respect, for he did not think any one had taken so much advantage of Kensington Gardens as he had done for many years past.

Lord SEYMOUR said, there was only one point on which he wished to meet the hon. Member for Montrose (Mr. Hume). The hon. Member said he was speaking on behalf of the people who were excluded from walking in Kensington Gardens. Now, he had in his hands a memorial, which the hon. Member (Mr. Hume) had sent himself, for the purpose of inducing him to keep the gardens closed against riders. The great argument with the memorialists was, "that it would be impossible then to shut out the great public from the amusement of witnessing the display of horses and horsemanship so interesting to our countrymen." The House of Commons was the representative of the public, and he had now to ask that House of Commons to take the part of the "great public" against the hon. Member for Montrose, who was there on that occasion as the representative of the executive aristocracy of Bayswater. Then the hon. Member talked of innovation. A complaint of innovation from the hon. Member for Montrose! Why, what had he been doing all his life but insisting on innovation? He spoke of what had existed centuries ago. Now, he (Lord Seymour) had looked back to authorities on this point, and he found that 100 years ago Kensington Gardens were never open but on Saturday, and then only to those who went there in court dress. He really thought the interests of the public were best consulted by making such arrangements as had now been made. When the Exhibition was open at the reduced price, and great crowds of pedestrians were pressing towards it, it would be absolutely necessary to exclude the riders from that part of the ground which they now used, and therefore some other locality must be open for them. He usually consulted the police in all these arrangements, and he must say that on the present occasion the arrangement which had been come to, if imperfect, would at all events be supplied by the good sense of the people.

Sir EDWARD N. BUXTON willingly bore testimony to the great improvament of the new arrangement as it affected the public convenience. The fact was that the hon. Member for Montrose was the supporter of a monopoly claimed by certain parties who lived on both sides of Kensington Gardens, who felt a peculiar pleasure in making these grounds their own private gardens. The hon. Gentleman had the audacity to propose that horse-riding should be allowed in Hyde Park instead of Kensington Gardens. Now, any person who was in the habit of going into Hyde Park would find that for one person who walked in Kensington Gardens there were twenty to be found in Hyde Park. It was, therefore, wisdom to accommodate the riders at a distance from the metropolis, and the pedestrians as near to it as possible.

Motion agreed to.

House at rising to adjourn till *Thursday.*

ENNIS UNION WORKHOUSE.

MR. REYNOLDS wished to put a question to the right hon. Baronet the Chief Secretary for Ireland relative to the number of inmates in the Ennis workhouse, and the number of deaths that had occurred there. He begged to state, in the first place, that from information he had received, the sewerage and cesspool of this workhouse were in the worst possible condition. The questions he had to ask were, whether the right hon. Baronet was aware that the number of inmates in the Ennis workhouse during the week ending the 3rd of May was 915? whether he knew that the deaths during that week amounted to 63? and whether the house was so overcrowded that several applicants were refused admission? The medical officer represented the sanitary condition of the workhouse as being most offensive; that meat was withheld from the children and from some adults, and that these were the chief reasons of the great mortality that had prevailed in the workhouse.

SIR WILLIAM SOMERVILLE said, the hon. Gentleman had asked him several questions, of which he had given him no notice. The question which stood on the paper was—whether he (Sir William Somerville) was aware that the number of inmates in the Ennis union workhouse, during the week ending the 3rd instant, was 915; that the deaths during that week amounted to 63; and that the workhouse was so overcrowded that several applicants were refused admission. The number of deaths in that week was correctly stated by the hon. Gentleman; but he had made a very great mistake in the number of inmates, which, instead of being 915 on the week ending 3rd of May, was no less than 4,782. The latest report that he had received stated an excess of 123 in the number of inmates in the Ennis union workhouse. The guardians had done everything in their power to secure additional accommodation, and admission had been refused to some applicants on account of want of room. At the same time, the relieving officers had been reminded of the responsibility they were under to afford relief out of the workhouse in cases of sudden and urgent necessity.

MR. REYNOLDS begged to ask the right hon. Gentleman whether he was aware that the figure 915, as quoted by him (Mr. Reynolds), were taken from the *Clare Journal*, of which Mr. J. R. Knox (a guardian of the union) was the proprietor?

SIR WILLIAM SOMERVILLE said, he knew nothing of what was stated in the *Clare Journal*, or any other newspaper. He grounded the statements he had made on the official returns which he had received.

DESTITUTION IN THE ISLANDS OF SCOTLAND.

MR. COWAN rose to put a question to the right hon. Secretary of State for the Home Department. The House would be aware that complaints had been made of severe destitution existing in the Western Islands of Scotland, and particularly in the island of Skye. It had been alleged that many individuals there were in a state of starvation, and that some persons had actually died from want. He (Mr. Cowan) believed those statements exaggerated, and he wished to ask the Government whether, they having sent a commissioner (Sir John M'Neil) to that island to inquire into the facts, any report from him had been received; and whether any authoritative statements had reached them of deaths from starvation having occurred?

SIR GEORGE GREY answered, that in consequence of representations made to him of great destitution existing in the islands in question in the early part of the year, Sir John M'Neil undertook to visit that district. He did so, and had been occupied for some time in a tour of inspection; and, having returned, he was now preparing a Report, which he (Sir George Grey) expected soon to receive from him. Sir John M'Neil had, however, given him no intimation that he had received any evidence of persons having died of starvation. With regard to the actual state of the district he would rather not express any opinion until he saw the Report.

Mr. COWAN: Would there be any objection to produce the Report when received?

Sir GEORGE GREY did not suppose there would, but would not pledge himself until he had had an opportunity of reading the Report.

MURDER OF A BRITISH OFFICER AT ADEN.

Viscount MAHON wished to ask if Government had received information of the murder of a British officer at Aden, and more recently of an attack made upon another officer, evidently with the intention of murdering him?

Mr. J. WILSON said, it was quite true that the Government had received information of another attack having been made on a British officer in the port of Aden; but the circumstances attending it were not of a nature to induce the authorities on the spot, or at home, to attach any political importance to the transaction. The facts were these:—An officer named Delisser was riding in the neighbourhood of the outer fort, in plain clothes, and unarmed. He was beckoned to by an Arab; and, thinking that the man wished to speak with him, the officer pulled up his horse, whereupon the Arab approached, and pulling from beneath his clothes a weapon called a crease, which he had concealed there, attacked the officer. The latter immediately dismounted from his horse and tried to wrest from the Arab the weapon with which he had struck him. A severe struggle ensued, in the course of which the Arab was killed. The dead body of the man who had made that attempt at assassination was afterwards brought within the camp and hung in chains. He (Mr. J. Wilson) ought to mention that it was contrary to the regulations for an Arab to enter the fort armed, and he could only evade these regulations by concealing his arms. He (Mr. J. Wilson) could only say that the authorities on the spot had taken every precaution to prevent the recurrence of such a circumstance; and he could assure the House that neither the authorities on the spot nor those at home believed that any political importance attached to that circumstance, nor to the one which occurred previously, both being the result, he believed, of religious fanatacism.

TRANSPORTATION TO VAN DIEMEN'S LAND.

Sir WILLIAM MOLESWORTH: Mr. Speaker, I have lately presented to the House two important petitions for the abolition of transportation to Van Diemen's Land. They were unanimously agreed to at numerously attended public meetings which were held last year in the northern, southern, and central districts of that island. Similar petitions have been presented to the other House of Parliament; and similar ones have been addressed to Her Majesty the Queen. The statements contained in these petitions were of so grave and serious a description, and rested upon such high and trustworthy authority, that I felt it my duty to move that these petitions, and all similar ones, which have been presented since the year 1838, should be printed, in order that I might bring their contents under the consideration of the House. I find that these petitions have been most numerously and respectably signed—for instance, by the Bishop of Tasmania, by the Archdeacon of Launceston and Hobart Town, by the majority of the clergy of the Church of England, of the ministers of the Wesleyan, Presbyterian, Baptist, and Independent denominations; the magistracy, the gentry, the merchants, tradesmen, mechanics, fathers and mothers of families; and in short by almost every one of note and respectability among the free colonists of Van Diemen's Land. All these petitioners allege "that accumulated and appalling evils—moral, political, and social—have resulted from transportation to Van Diemen's Land;" that the existence of such evils have been admitted to the fullest extent by Her Majesty's Ministers, and the free colonists of Van Diemen's Land have repeatedly petitioned the Queen and Parliament that transportation to their colony should be discontinued for ever. Every one of these petitioners assert that on the 20th of July, 1847, their Governor, Sir William Denison, did announce, in the name of Her Majesty's Government, to the Legislative Council of Van Diemen's Land, that the wishes of the colonists were to be complied with, and transportation was to be abolished. They also state, that notwithstanding this announcement, transportation has been continued up to the present moment; and the Bishop, the clergy, and all the free colonists of Tasmania, declare that

—"the non-fulfilment of this promise is a breach of faith, derogatory to the honour of the British nation, and calculated to weaken, if not to destroy, the feelings of confidence and attachment which Van Diemen's Land has hitherto entertained towards the Imperial Government."

They solemnly protest against this breach of faith. They indignantly contradict a statement, said to have been made last year by a noble Earl in another place, to the effect, that they had become less averse to transportation than they were in 1846. They assure the House that they are still utterly hostile to the reception of convicts under any system. They, therefore, claim the fulfilment of the imperial promise, and pray the House to enforce the performance of that promise as speedily as possible. They have also addressed Her Majesty for the abolition of transportation to Van Diemen's Land. The free labourers and mechanics complain that the labour market has been overstocked with convicts; that, in consequence thereof, thousands of free labourers have been compelled to emigrate; that, if transportation continue, the remainder will follow, till the island become one huge den of thieves and felons. The fathers and mothers of Van Diemen's Land pray Her Majesty, as the mother of many children, to save their children from the horrid corruption and unutterable pollution to which they are exposed from being surrounded with convicts. And, lastly, the Bishop and clergy of the Church of England

—"respectfully pray, on their own behalf, and on behalf of those for whom they are placed in charge, that Her Majesty will be pleased to rescind the Order in Council by which Van Diemen's Land is appointed a place to which criminals may be transported."

With the permission of the House I will state, as briefly as I can, the grounds upon which the petitioners have made the allegations which I have just mentioned, and the reasons which induce me to ask the House to address Her Majesty on behalf of our fellow-citizens in Van Diemen's Land. The House is aware that under the Transportation Act the Secretary of State for the Colonies can only transport convicts to those Colonies which the Queen in Council has appointed to be places to which offenders under sentence of transportation should be conveyed. Therefore, if the Queen were to rescind the Order in Council by which Van Diemen's Land is appointed a penal colony, transportation to that colony would immediately cease. Van Diemen's Land was first appointed a penal colony, as a dependency of New South Wales, from which it was settled in 1803; secondly, as a colony distinct from New South Wales, from which it was separated in 1825 in virtue of an Order in Council dated June 23, 1824. In the thirteen subsequent years 21,300 convicts were transported to Van Diemen's Land, or about 1,600 a year, of whom six-sevenths were men. I find that in the year 1847 the population of Van Diemen's Land consisted of 42,000 persons, of whom about 25,000 were free, and 17,600 were bond; of the free three-fifths, and of the bond eight-ninths, were men. In the same year a Committee of this House was appointed to inquire into the efficacy of transportation as a punishment, and its effect upon the moral state of the penal colonies. The late Sir Robert Peel, the noble Lord the Prime Minister (Lord John Russell), the noble Earl the Secretary of State for the Colonies (Earl Grey), the Under Secretary (Mr. Hawes), the right hon. Baronet the Secretary of the Home Department (Sir George Grey), &c., were members of that Committee. They reported at the end of the Session of 1838. They agreed that the assemblage of a large number of convicts in New South Wales and Van Diemen's Land, and the disproportion between the sexes in those colonies, had produced, and were certain to produce (to use the words of the Bishop and clergy of Tasmania), complicated and appalling evils, moral and social, which outweighed beyond calculation the lucrative advantages from convict labour to the penal colonies. They therefore recommended that transportation to New South Wales and Van Diemen's Land should be discontinued as soon as possible. On the 5th of May, 1840, I took the liberty, as Chairman of that Committee, to bring its recommendations under the consideration of the House; and on the 22nd of the same month an Order in Council was issued, revoking the Order in Council by which New South Wales had been appointed a penal colony. For this great boon New South Wales was indebted to the noble Lord the Prime Minister, and who, I believe, was the most enlightened, liberal, and popular Secretary of State who ever governed the colonies. Unfortunately the noble Lord (Lord John Russell) was succeeded by Lord Stanley in 1841. Lord Stanley utterly disregarded every one of the recommendations of the Transportation Committee with regard to Van Diemen's Land. To that colony, previously overcrowded with convicts, the noble Lord transported annually twice as many convicts as had been transported to it in any previous year; and he subjected more convicts to a system of punishment, namely, the gang system, which the Transportation Committee had especially condemned as the worst form of transportation. On the average of the three years before Lord Stanley came into office, the number of convicts transported to Van Diemen's Land amounted to about 1,680 a year; on the average of the five years that Lord Stanley was Secretary of State for the Colonies, the number of convicts annually transported to that colony was 4,200; therefore, in those five years, 21,000 convicts were added to the criminal population of Van Diemen's Land. It is calculated that in consequence of this influx of convicts, and the consequent overstocking of the labour market, 12,000 free presons were driven out of the colony in the interval between 1841 and 1848. I find on comparing the census of the 31st of December, 1842, with that of 1847, that in that interval the criminal population, including the convicts who had become free, had increased much more rapidly than the non-convict population had increased by births and immigration; that in 1847, of the whole population of the colony above the age of 14, more than two-thirds had been transported; that of the non-convicted portion of the population, one-half were under the age of 14; and that of the criminal population, only 1-6th were women. The consequences of this congregation of convicts, and disproportion of sexes, were even worse than the Transportation Committee had anticipated. For some time the Colonial Office, ignorant and ill-informed, gave implicit credit to the statement of an ignorant, incompetent, and careless Governor, who sent home the most flattering accounts of the state of Van Diemen's Land—the complete success of Lord Stanley's system of transportation. In December, 1845, Lord Stanley left office. His successor, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), did not place the same implicit faith in the statements of the Governor of Van Diemen's Land. An inquiry was instituted into the state of that colony. The most appalling discoveries were made. It was found that the chain gangs and probation parties were, to use the words of Sir James Stephens, "nothing else than schools of advanced depravity, by which every remaining trait of virtuous habit or sentiment was effaced from the mind of the convict." It was discovered that very many of these convicts were suffering from hideous diseases produced by unmentionable crimes, which, according to the statement transmitted by the Bishop of Tasmania from his clergy, "were committed to a dreadful extent throughout the diocese." And several cases came to light in which female infants of the tenderest years were brutally and unnaturally violated by ticket-of-leave convicts. In short, Van Diemen's Land was a loathsome ulcer on the body of the British Empire, and a foul reproach to this country. It was felt to be so, both here and in the colony. About January, 1846, an address was presented to Her Majesty, from 1,750 free colonists of Van Diemen's Land, praying for the abolition of transportation; and a similar petition was presented to this House. The petitioners stated that they lived "in continual dread for themselves and their families, owing to the number of convicts by whom they were surrounded;" that if transportation continued, "they must, at whatever sacrifice, abandon a colony which would become unfit for any man to inhabit who regarded the highest interests of himself or his children;" that the unbounded supply of convict labour was driving the free labourers out of the colony; that "no new emigrants would come, for that they themselves would never have emigrated to Van Diemen's Land, had they foreseen its present state;" and that, ultimately, Van Diemen's Land would exhibit a spectacle of vice and infamy such as the world could not parallel. These were the feelings of the colonists with regard to transportation in 1846. And they now indignantly contradict the statement of Earl Grey, that they are less adverse at present to transportation than they were in the year 1846. I think, Sir, that these facts fully bear out the first allegation of the petitioners, that accumulated and appalling evils, moral and social, have resulted from transportation to Van Diemen's Land. I now come to the second allegation of the Bishop, the clergy, and the free colonists of Tasmania, namely, that, in consequence of the existence of these evils, and of the prayers of the petitioners, their Governor, Sir William Denison, did announce, in the name of the Imperial Government, the total and immediate abolition of transportation to Van Diemen's Land. Sir, before a full account of the state of Van Diemen's Land reached this country, the right hon. Gentleman the Member for the University of Oxford had very properly recalled the then Governor of Van Diemen's Land, and determined that transportation to that colony should be suspended for two years. In July, 1846, the right hon. Gentleman left office, and was succeeded by Earl Grey on the 30th of September of that year. The noble Earl transmitted to Sir William Denison his appointment, with a letter of instructions. In that letter the noble Earl stated that he would confine his instructions to the course to be pursued with regard to the convicts in the colony; that on another occasion, which he trusted would not be remote, "he would be able to explain the views of Her Majesty's Government as to the whole system of transportation." But, wrote the noble Earl—

> "The resumption of the plan of pouring into Van Diemen's Land such an annual flood of transported convicts as have recently been sent to that island, I regard as altogether impossible. Whether any more male convicts will ever be transported to Van Diemen's Land or to any other place, is a question on which, for the present, I wish to reserve my opinion."

Sir William Denison left this country, therefore, with the distinct instruction that there were two questions with regard to transportation which were unsettled: first, whether any more convicts were ever to be transported to any place; secondly, supposing transportation to be continued, whether any more convicts were ever to be transported to Van Diemen's Land. Sir William Denison arrived in Van Diemen's Land about the beginning of the year 1847. Soon afterward, in the month of March, he took steps to ascertain the feeling of the inhabitants of Van Diemen's Land. He issued a circular to 161 magistrates of the colony asking for an answer to this question:—

> "Do you consider it desirable that the transportation of convicts to this country should cease altogether?"

As soon as this question was put, the colony rose, *en masse* almost, to answer it in the affirmative. A public meeting, the largest ever held in the colony, was held on the 6th of May, 1847. Petitions to Her Majesty and to both Houses of Parliament were agreed to, praying that transportation to Van Diemen's Land should be immediately abolished. Each of these petitions was signed by above 5,000 free colonists. At the same time 726 parents, representing at least 3,500 souls, addressed Her Majesty on behalf of their children, stating that no vigilance nor careful instruction could counteract the mischievous and contaminating influence of convict example. In transmitting these addresses to Earl Grey, Sir William Denison assured the noble Earl that the feeling of the great majority of the community was in favour of the cessation of transportation. Having thus ascertained the feelings of the colony, Sir William Denison opened the Legislative Council on the 20th July, 1847. In his address, he said—I quote from the official report—

> "I take the earliest opportunity of laying before you the decision of Her Majesty's Government, that transportation to Van Diemen's Land should not be resumed at the expiration of the two years for which it has already been decided that it should be discontinued. Her Majesty's Government, in coming to this determination, has acted in accordance with the expressed wishes of a large portion of the free inhabitants of the colony;"—

and Sir William Denison concluded his address by saying that he trusted they would not be "cast down should a period of adversity and distress follow the change which they had so ardently desired." Great was the joy of the inhabitants of Van Diemen's Land on receiving this announcement. The gentlemen who had been most active in getting up the meeting and petitions against transportation, to which I have just referred, wrote a letter to Earl Grey, thanking him for anticipating their prayer, and declaring that they were convinced that "to no one could the best interests of the colony, moral or political, be more safely entrusted than to the noble Earl." And, as I have said already, the Bishop, the clergy, and all the free colonists of Tasmania, did firmly believe that the imperial faith was pledged to the abolition of transportation. And Sir William Denison did consider that he had given that pledge. This fact is proved beyond doubt by the first despatch which Sir William Denison wrote after he had announced the abolition of transportation to Van Diemen's Land. In this despatch, dated the 20th of August, 1847, he first referred to a previous despatch which he had written before he had announced the abolition of transportation. In this previous despatch Sir William Denison had suggested to Earl Grey, that if transportation should be continued to Van Diemen's Land, a form of transportation should be adopted similar to that which Earl Grey has adopted. In the second despatch, written after the announcement of the abolition of transportation, Sir William Denison desired Earl Grey not to pay any attention to the previous despatch. For—I will quote Sir William Denison's own words—

> "As Her Majesty's Government have decided that transportation is to cease, and as that decision has been publicly made known in the colony, I do not consider that it would be possible or desirable to attempt to carry out the suggestions contained in my former despatch, No. 83. The feelings of a large portion of the community are so fully enlisted in the opposition which has been raised to the convict system here, that any attempt to revive the system in any form would be looked upon as a breach of faith, and would cause, I have no doubt, feelings of hostility which would be very embarrassing to the Government. Under all circumstances, therefore, I think it would be desirable to carry out fully the intentions expressed in your Lordshp's despatch, that transportation to this colony should be discontinued."

It is certain, therefore, that Sir William Denison did consider that he had pledged the imperial faith to the abolition of transportation to Van Diemen's Land. Now, I have heard rumours of insinuations to the effect that Sir William Denison was not authorised to give that pledge; and it is reported that the noble Earl the Secretary of State for the Colonies has in another place laid the grounds for such insinuations, by quoting an isolated extract from a letter written by the right hon. Baronet the Secretary of State for the Home Department. I do not know whether such quibbles will be repeated to-night; if they are, I shall have an opportunity to answer them in my reply. For the present, I challenge the hon. Gentleman the Under Secretary of State for the Colonies to prove that Sir William Denison exceeded his authority. If Sir William Denison did exceed his authority, it was the duty of the Colonial Office, as soon as it was informed of Sir William Denison's proceeding, to have publicly disavowed him, and to have reprimanded or even recalled him, for having pledged the imperial faith to a promise which was not to be performed. But nothing of the kind was done. It was in his first despatch of the 20th of August, 1847, that Sir William Denison informed the Colonial Office that he had announced the abolition of transportation to Van Diemen's Land, and that to revive that system in any form would be a breach of faith. This despatch was received at the Colonial Office on the 5th of February, 1848. Its receipt was acknowledged on the 27th of April, 1848. Then, if ever, was the time when the Colonial Office ought to have publicly disowned the proceedings of Sir William Denison, and reprimanded him if he had exceeded his authority. The Colonial Office did nothing of the kind, but merely acknowledged the valuable information contained in Sir William Denison's despatch. I beg the House to observe, that on the same occasion Earl Grey announced that he intended to resume transportation to Van Diemen's Land, and thus to do the very thing that his Governor had promised that the noble Earl should not do. Therefore, on making this announcement, the time, if ever, was come when Earl Grey should, if he could, have disavowed the proceedings of his Governor. For by not disavowing them, the noble Earl exposed himself to a charge of breach of faith, from which he could only vindicate himself by proving that he had publicly disavowed his Governor. For it is an acknowledged rule of government, without which, in fact, no government could be carried on, that the acts of an inferior officer must be held to be done with the sanction of his superior officer, and to be the acts of the superior officer, unless the superior officer publicly disavow those acts as soon as they come to his knowledge. It follows, therefore, that the Colonial Office did not disavow the proceedings of Sir William Denison, because it was not able so to do consistently with truth. And I must observe that the Colonial Office has expressed emphatic approval of the general conduct of Sir William Denison, and in a despatch dated April 28, 1849, assured him that "his administration had been such as to merit Her Majesty's high approbation." Such high approbation cannot be reconciled with the supposition that Sir William Denison had committed so grave a blunder as to pledge the imperial faith to the abolition of transportation without authority to do so. I think these facts fully bear out the second allegation of the Bishop, the clergy, and the free colonists of Tasmania, that their Governor did pledge the imperial faith to the abolition of transportation to Van Diemen's Land. I now come to the third allegation, that up to the present moment this promise has not been fulfilled, and that its non-fulfilment is a direct breach of faith derogatory to the honour of the British nation, and calculated to weaken, if not to destroy, the feelings of confidence and attachment which Van Diemen's Land has hitherto entertained towards the Imperial

Government. The first and most flagrant attempt at a breach of faith occurred about the close of the year 1847. It was resisted and defeated by Sir William Denison. I will, however, describe this attempt. There was in New South Wales a class of convicts "worse (according to Sir William Denison) than the worst of those on Norfolk Island." Now every one whose painful duty it has been to make himself acquainted with the state of Norfolk Island was wont to consider that the worst convicts there were the foulest and most loathsome fiends of the human race; incarnate demons, for whom even Dante could have found no abyss low enough in his hell of horrors. What, then, must have been these worse devils of New South Wales? The Colonial Office on the 4th of May, 1847, ordered them to be transported to Van Diemen's Land. This order was issued only three months after the day (5th of February, 1847) on which Earl Grey wrote to Sir William Denison that it was not the intention of Her Majesty's Government that transportation to Van Diemen's Land should be resumed. When the order of the Colonial Office to transport to Van Diemen's Land the doubly and trebly convicted convicts of New South Wales became known, the inhabitants of Van Diemen's Land were horror-stricken; a public meeting was held, two memorials were addressed to the Queen signed by 5,131 persons, complaining of a manifest breach of faith, and praying that the order in question might be revoked. In transmitting these memorials, Sir William Denison recommended the prayer of the petitioners to the favourable consideration of the noble Earl, the Secretary of State for the Colonies; and in the same despatch, dated 31st of December, 1847, Sir William Denison made the just remark that "the colonists would complain of a breach of faith towards them in promising that no more convicts should be sent to the colony, whilst, at the same time, a number of the worst description were poured upon them." Ultimately Sir William Denison maintained faith in this instance by disobeying the orders of the Colonial Office, and not transporting the convicts from New South Wales to Van Diemen's Land. The next attempt at a breach of faith was more successful. In a despatch to which I have already referred, dated April 27, 1848, Earl Grey announced his determination to resume transportation to Van Diemen's Land in the form of the ticket-of-leave system. The House is probably aware that there have been three chief forms of transportation. The legal definition of transportation is, the compulsory removal of an offender from this country to one of those colonies which the Queen in Council has appointed to be a place to which an offender under sentence of transportation might be conveyed. The condition of a convict in a penal colony depends mainly upon rules laid down by Secretaries of State for the Colonies. Those rules have constituted three distinct classes of convicts, namely, assigned convicts, gang convicts, and the ticket-of-leave convicts. The assigned convicts were those who were given to private individuals as servants, and were compelled to work for their masters without receiving wages; the gang convicts were those who were employed in parties on the roads and other public works, under the superintendence of officers of the Government; and the ticket-of-leave convicts are those who are permitted to work on their own account within certain districts specified by the local Government. Of these three forms of transportation, I think the least objectionable was the assignment system, when the assigned convicts were scattered over the interior of Australia, and not congregated in the town. By far the worst form of transportation was the gang system, which, in the interval between 1841 and 1846, produced so horrible a state of things in Van Diemen's Land. Between these two forms of transportation stands the ticket-of-leave system, because a form of transportation is more or less objectionable in proportion as it more or less congregates convicts together. Now, the ticket-of-leave system does not necessarily herd convicts together as the gang system did, nor does it isolate the convict, as was the case under the best form of the assignment system; but it leaves the convict to a considerable extent at liberty to associate with those persons whom he likes, or who will associate with him. Unfortunately, however, in Van Diemen's Land the persons with whom the ticket-of-leave convict can associate, are chiefly ticket-of-leave men, or persons who have been convicts: first, because the felonry, as they are called, constitute the majority of the population; secondly, because the free settlers will not associate with the felonry, whom they despise as a Pariah caste, with feelings similar to, but more intense, than those of the Americans towards the negro. Now the invariable consequence of the association of convicts is to harden the corrupt in corruption, and to lead back to crime those who have been partially reformed; therefore, if convicts be sent in crowds to a penal colony, it matters little to the colony, as far as morality is concerned, what form of transportation be adopted, provided it be not the worst form of the gang system. This was the opinion of the Transportation Committee. It was also the opinion of Sir William Denison, who said, with regard to exiles from Pentonville (who are supposed to be the best description of convicts), their moral conduct will not be much better than that of other convicts, and will be just as likely to taint the whole community. In another place he said, "Individual instances of reformation do sometimes occur—they are rare exceptions to the general rule;" that "the thief still thieves, the burglar remains a burglar, and the man transported for violence against the person still commits the same offence in the penal colony." A similar opinion was expressed by the right hon. Baronet the Secretary of State for the Home Department, in a letter to Earl Grey, dated January 20, 1847. In that letter the right hon. Baronet affirmed "that to send large numbers of convicts collectively to any of our colonies, though they were to become free on their arrival there, would, if continued for a series of years, lead to many of the evils which have resulted from transportation;" and he showed that they would probably become "a distinct and separate class differing but little from the present convict population of the penal colonies;" and that it would be difficult to provide against the disproportion of sexes and the attendant evils. The right hon. Baronet proposed that offenders sentenced to transportation should first be subjected to separate imprisonment in this country; then employed on public works in Gibraltar or Bermuda; and then, at the expiration of a certain period of time, depending on various circumstances, they should receive pardons on the condition of quitting this country, and not returning to it during the time of their original sentence. The right hon. Baronet also recommended that they should not be sent collectively to any of the colonies, but, to use the right hon. Baronet's own words, "facilities for emigration should be afforded them individually instead of collectively;" in short, they were to be individually banished from this country, and not collectively transported to any particular colony. In reply to this letter, on the 5th of February, 1847, Earl Grey expressed his entire concurrence with the views of the right hon. Baronet; and on the same day the noble Earl wrote to inform Sir William Denison that "it was not the intention of Her Majesty's Government that transportation to Van Diemen's Land should be resumed." Some time afterwards Earl Grey changed his mind, and, disregarding the promise which he knew had been made by Sir William Denison, the noble Earl, on the 27th April, 1848, wrote, as I have already said, a despatch announcing that exiles and ticket-of-leave convicts, after their punishment in Pentonville, Gibraltar, and elsewhere, were to be transported collectively to Van Diemen's Land. This despatch was laid on the table of the Legislative Council of the Colony on the 12th September, 1848. From that period up to the present moment there has been a series of public meetings, addresses to Her Majesty, petitions to both Houses of Parliament, memorials to the Colonial Office, memorials to the Colonial Governor, and protests and remonstrances against transportation, showing a unanimous, energetic, and dogged determination to compel the Colonial Office to keep faith by discontinuing transportation. First, on the 14th October, the Legislative Council unanimously adopted a resolution condemning the plan of Earl Grey as "being in the highest degree injurious to the colony;" and 117 magistrates of the colony signed a memorial to Sir William Denison, attesting their approval of that resolution. On the 26th October a meeting was held at Launceston, at which petitions to the Queen and both Houses of Parliament were agreed to. The petitioners stated that they had hailed with gladness the offer to abolish transportation; that this satisfaction had been interrupted by the arrival of convicts; and they prayed for the fulfilment of the pledge that transportation to Van Diemen's Land should for ever cease. On the 21st November another meeting was held at Launceston, at which a resolution was passed condemning the conduct of the Government in renewing transporportation, "as utterly inconsistent with the good faith which alone can secure the confidence of distant dependencies." On the 15th of December, 1848, a meeting of free tradesmen and labourers was held at Hobart Town, and a memorial to Sir William

Denison was agreed to, protesting against the continuance of transportation. On the 24th January, 1849, another meeting was held at Launceston, at which a resolution was agreed to expressing "astonishment, indignation, and regret at the conduct of the Government in continuing transportation, in direct contradiction to the deliberate and solemn assurance that it should altogether cease." Another resolution was agreed to, for the formation of an Anti-Transportation League; the conditions of membership being, not to employ any male convict who has arrived or shall arrive after the 1st January, 1849. On the 31st August, 1849, Sir William Denison forwarded addresses to Her Majesty from various Church of England, Wesleyan, Baptist, and Independent congregations; the petitioners stated that the announcement of the discontinuance of transportation to Van Diemen's Land has been received with gladness and gratitude; that to resume transportation was—

> "inconsistent with national honour and Christian principles;"—"that the male prisoners in Van Diemen's Land were seven times more numerous than the females; that they possessed access to a population of 12,000 children; that to add to the proportion of persons tainted with crime, would be impolitic, cruel, and unchristian."

On the 20th of December, 1849, a meeting was held at Launceston; a petition to Her Majesty was agreed to, which received 2,062 signatures. A similar petition from the same meeting was presented to this House by myself last year. The petitioners complained that none of the pledges of the Government had been fulfilled; "that before the expiry of the period of two years, during which the Ministers had announced transportation to be suspended, it was revived." This statement is perfectly correct. In 1846 the suspension of transportation to Van Diemen's Land for two years was announced. Yet in that year and in the next 3,154 convicts were transported to Van Diemen's Land. In 1847 the abolition of transportation to Van Diemen's Land was announced; and I am informed on good authority that in the three subsequent years about 6,000 convicts were transported to that colony, or more than were transported in any three consecutive years prior to 1842. The petitioners, therefore, declared that they owed it to themselves and families to thwart and counteract in every possible form the importation of convicts, and to resist the persevering injustice of the British Government. The year 1850 commenced with a public meeting at Hobart Town, on 30th January: from that meeting I presented last year a petition to this House, signed by 1,424 persons. The petitioners, in addition to their usual complaints, referred to a statement which was made by the noble Earl in the despatch in which he announced the renewal of transportation to Van Diemen's Land. That statement was—

> "That Her Majesty's Government considered it absolutely necessary that the addition to be made to the population of Van Diemen's Land from the mother country should not consist entirely or even principally of those who have been tainted with crime, but that arrangements should be made for sending free emigrants in sufficient numbers to neutralise the evil effects of a continual accession of persons who have incurred by their offences the sentence of transportation."

The petitioners complain, that in complete contradiction of this declaration, the addition which has been made to the population of Van Diemen's Land from this country has consisted principally of convicts. This statement is true, for the number of emigrants to Van Diemen's Land in 1848 and 1849, including the wives and children of convicts, was about one-fourth the number of convicts transported to that colony. In April, 1850, an event occurred which doubled the excitement in Van Diemen's Land against transportation. It was the arrival at Hobart Town of the ship *Neptune* with its cargo of convicts, which the colony of the Cape had rejected. This event produced the deepest indignation amongst the colonists of Van Diemen's Land. They looked upon it as an insult as well as an injury. They had heard of the circular which had been issued by the Colonial Office 7th August, 1848, to the Cape of Good Hope, New South Wales, and the other Australian colonies, with the exception of Van Diemen's Land. In that circular the Colonial Office had laid down the rule that no convicts were to be transported to any one of those colonies without the consent of their inhabitants. Van Diemen's Land had been excepted from that rule, on the special plea that it was a penal colony. Its inhabitants held that plea to be a most unjust and tyrannical one; for they argued that the only difference between their colony and New South Wales had been occasioned by a breach of faith on the part of the Colonial Office, in not fulfilling the promise to abolish transportation; and that, if that promise had been fulfilled, transportation could not have been resumed in opposition to their wishes without a violation of the rule laid down by the Colonial Office. The arrival of the *Neptune* showed them how successfully the colony of the Cape had resisted an attempt to violate that rule, and gave them ocular demonstration of two important facts: first, that it was the deliberate intention of the Colonial Office to make their colony a huge cesspool, in which all the criminal filth of the British empire was to be accumulated; secondly, that it was in the power of the people of a colony, by combining vigour and self-reliance to defeat the intentions of the Colonial Office, and to compel it to keep faith. I am convinced that the arrival of the *Neptune* will hereafter be a memorable epoch in the history of the abolition of transportation to Van Diemen's Land. The free colonists immediately protested against the landing of the convicts from that ship. They have made similar protests on the arrival of every subsequent convict ship; and with every protest their anger was increased, till their wrath was incensed to the highest degree by the arrival of the report of a speech said to have been delivered last year by the noble Earl the Secretary of State for the Colonies in another place. In that speech the noble Earl was reported to have expressed himself to the effect that the Imperial Government had created the colony of Van Diemen's Land for convicts; that the free settlers had established themselves there with their eyes open to the present state of things, and had no right to complain. At all their public meetings they have denied the accuracy of that statement; they said that they had emigrated to Van Diemen's Land before it had been made the sole penal colony of England; that the Imperial Government had encouraged them to emigrate, and sold them lands, and by so doing it had entered into a tacit compact with them that it would not so abuse its power of transportation as to drive out the free inhabitants, and render the possession of their lands intolerable. In the same speech the noble Earl was reported to have said that the free colonists had become less averse to transportation than they were in 1847. They have flatly contradicted the noble Earl; they asserted that the noble Earl, like his predecessor, Lord Stanley, was ignorant of the state of the colony; that living on the opposite side of the globe, he was liable to be misinformed by officials, who have a deep pecuniary interest in the continuance of transportation, whose salaries depended upon upholding transportation, and who boldly invented and repeated fictions, knowing almost a year must elapse before they could be contradicted. Sir, as I have already said, the Bishop, the clergy, and the free colonists of Tasmania, have declared, in contradiction of the statement of Earl Grey, that they are utterly hostile to receiving convicts under any system; and with the view of proving Earl Grey's assertion to be erroneous, in each of the three districts of the colony large public meetings were held last autumn. First, on the 9th August last, in the northern district; from this meeting I have presented this year a petition with 1,519 signatures, including those of the Bishop of Tasmania, and the Archdeacon of Launceston. Secondly, on the 12th September, a meeting was held in the south district, from which I have presented this year a petition with 2,625 signatures. Thirdly, on the 17th September, a meeting was held in the central district, from which a memorial was addressed to Earl Grey. At one of these meetings Mr. Weston, a justice of the peace, a well-known and highly respectable gentleman, one of the oldest settlers in Van Diemen's Land, moved a resolution contradicting the statement that they had become reconciled to transportation. In so doing he drew, amidst the cheers of the meeting, a striking picture of the social state of the colony. He spoke to this effect:—

> "I think, that generally speaking, noble Lords and English Gentlemen know nothing about the state of our colony. It has occurred to me, that if they could have the subject practically elucidated to them in their own persons and families, they would immediately understand why we are so utterly hostile to receiving convicts under any system. Were I in England and had a talk with any English gentleman about transportation to Van Diemen's Land, I would endeavour to make him realise our condition by placing himself and family in a position similar to that of respectable families in this colony. I would say to him, allow me to propose that you should remove your family from Belgravia to the worst part of St. Giles, where thieves, burglars, prostitutes, and all kinds of infamous characters abound. You shall have a commodious house, comfortable carriages, plenty of servants, a governess for your daughters, a tutor for your sons, and a secretary for yourself, but you must select every one of your attendants from the population of St. Giles. Then the lowest prostitutes would be your housemaids and nurserymaids—from the flash women you might select your ladies' maids—a cast-off mistress would be an accomplished governess for your daughters—you might fill your pantry and your stables with burglars, thieves, and pickpockets—a Greek, well versed in all the arts and vices of Greece, would

> be ready to accept the office of tutor to your sons—and you might complete your establishment with a secretary so skilful as to save you the trouble of writing your name to a cheque—and then you would have a tip-top establishment after the fashion of Van Diemen's Land. I think, English gentlemen would look rather amazed at such a proposal, and that a slight taste of transportation would destroy their taste for transportation."

I entreat hon. Members to endeavour to place themselves mentally in the position of Mr. Weston before they give their vote to-night, and they will well understand why the Bishop, the clergy, the fathers and mothers of families in Van Diemen's Land, are so utterly hostile to the continuance of transportation to that colony. From these meetings there emanated petitions to the other House of Parliament, and addressed to the Queen. I began by stating to the House the contents of those petitions, and the grave and serious allegations which they contained, and which I have endeavoured to substantiate; I will only therefore call the attention of the House to two addresses to the Queen, which are not contained in the papers on the table of the House—one signed by the wife of the Bishop of Tasmania, and 1,400 women of Van Diemen's Land. They appealed as wives, mothers, and daughters, to Her Majesty's maternal sympathy, stating

> —"that in the course of the last ten years 30,000 prisoners had been landed in the colony, which contained 20,000 young persons, the greater portion of whom were under fourteen years of age."

The other address was from the Bishop, archdeacons, and clergymen of the United Church of England and Ireland in Tasmania. This deserves the especial attention of the House: for the noble Earl (Earl Grey) relied mainly on the clergy to give efficacy to this scheme of transportation; they have assured Her Majesty that the majority of all classes in Van Diemen's Land are opposed to transportation; "that convicts can no longer be introduced into the colony with real advantage to themselves or to the community;" that "any lucrative return to be derived from convict labour is beyond calculation outweighed by the frightful evils of the convict system;" and they have earnestly prayed Her Majesty on behalf of those for whom they are put in charge to discontinue transportation to Van Diemen's Land. At all the meetings to which I have just referred, resolutions were agreed to in favour of an Anti-Transportation League. In this agitation Launceston and the men of Cornwall, as usual, led the way. They issued a circular to the Australian Colonies, inviting their co-operation to secure the abolition of transportation to Van Diemen's Land. Everywhere they have met with sympathy and support; for the Australian colonies are, and feel themselves to be, deeply interested in the question of the continuation of transportation to Van Diemen's Land. In fact, the collective transportation of the convicts of the British empire to Van Diemen's Land, is equivalent to transportation to all the Australian colonies. For there are two causes in operation in those colonies: one attracting the convict when he becomes free to the continent of Australia; the other repelling the expiree from Van Diemen's Land. The first cause is the boundless extent of unoccupied land in Australia, of the best quality, containing millions of fertile acres naturally cleared, waiting only for hands to cultivate them; the demand for those hands attract labourers from every quarter, and especially from the nearest point, namely, Van Diemen's Land, where a large portion of the limited extent of the best land is already occupied. The second cause which repels the free labour from Van Diemen's Land is the perpetual influx of convict labour, which has already overstocked the labour market of Van Diemen's Land. Therefore every fresh convict who arrives in that colony still further depresses the labour market, and tends to drive out a free settler or an expiree; and this process has been so long carried on, that three-fourths of the adult male population of Van Diemen's Land are, or have been, convicts. In consequence of this preponderance in numbers, the felonry (as they are termed) of Van Diemen's Land have become rampant and insolent. Relying on the authority of Earl Grey, they claim that colony as the patrimony and freehold of the convicted felons of England, and the paradise of thieves. Through their organs in the colonial press I see that they threaten "to kick out of the colony the free settlers," whom they denounce as intruders and "puritan moralists." In opposition to the Anti-Transportation League, and in support of Earl Grey, the felonry have formed a criminals' aid society, or Tasmanian League. They have rallied round the Government; and, in fact, the only devoted friends and stanch allies upon whom the Colonial Office can count throughout Tasmania, or even Australia, are the felonry of Van Diemen's Land, under the leadership of the insane rebels from Ireland. Sir, if we continue much longer to transport convicts to Van Diemen's Land, we shall be able to add to our national exhibition an unrivalled specimen of a red criminal republic, with liberty for crime, equality in infamy, and fraternity in vice. Not content with Van Diemen's Land, the felonry have migrated in shoals to the continent of Australia. There they pursue their old professions—the thief thieves, the burglar commits burglaries, the swindler swindles, and each after his habits indulges in his vicious propensities. The presence of these persons in the Australian colonies affords the only explanation of the otherwise inexplicable fact, that in these colonies, where the economical causes of crime scarcely exist, the proportion of crime to population is greater than in old countries where the economical causes of crime are most potent. It is an unquestionable fact, that almost all the crime committed in the Australian colonies is committed by persons who have been transported from this country. The courts of justice of New South Wales, Victoria, South Australia, and New Zealand, are filled with these persons. The Legislature of New South Wales attempted to protect that colony against the expirees from Van Diemen's Land, by certain police regulations called the Vagrancy Act. That Act the Colonial Office has vetoed, to the intense disgust of the people of New South Wales, because it tended to prevent the free circulation of free criminals throughout Australia. The Governor of New Zealand has asserted that the greater portion of the large amount of crime in that colony is committed by expirees. Thus, Sir, the foul stream of crime rising in England, at first somewhat purified by passing through Pentonville and other penitentiaries, becomes foul again as it flows through the public works at Gibraltar, and elsewhere; then traverses the moral swamps of Van Diemen's Land, acquiring fresh corruption, and pours its fœtid waters over the continent of Australia, whence its pestilential exhalations reach New Zealand and the remotest isles of Polynesia. The inhabitants of the Australian colonies know full well that the collective transportation of our criminals to Van Diemen's Land is ultimately transportation to them. They have been told it over and over again by the Colonial Office, and the persons who have endeavoured to persuade them to receive convicts from England. The staple argument of those Gentlemen was, that it would be far better to receive convicts directly from England, with the pecuniary advantages which England had offered to those who would take her criminals off her hands, than to receive convicts indirectly through Van Diemen's Land, without those pecuniary advantages. The answer of the Australian colonies has been, that they will not have convicts, either directly or indirectly. With this intention, they have adopted the idea of the Colonial Office, and formed an Australian league. The motto of that league is abolition of transportation to Van Diemen's Land. Last autumn numerous anti-transportation meetings were held throughout New South Wales and Victoria. From these meetings emanated petitions to the Legislative Council of New South Wales against transportation, signed, I am informed, by 35,000 persons, including the three bishops and all the clergy of that colony. At all these meetings, resolutions were passed in favour of assisting Van Diemen's Land in its effort to abolish transportation, and similar sentiments were expressed in all the petitions to the Legislative Council of New South Wales. An Anti-Transportation Association has been formed at Sydney. I have its Report, dated the 6th January last. According to that Report, it has petitioned the Queen and Parliament for the abolition of transportation to Van Diemen's Land. It has opened communications with all the principal towns and districts of New South Wales, Victoria, Van Diemen's Land, South Australia, and New Zealand; it has had the most encouraging answers from all these places; it has prepared a petition from all the Australian colonies for the cessation of transportation to Van Diemen's Land, which petition I expect to have the honour of presenting to the House on some future occasion, with 50,000 signatures attached to it. Sir, before I sit down, I wish to put one question to this House and to Her Majesty's Ministers. Last year you gave representative institutions and self-government to Van Diemen's Land. What did you mean by so doing? How did you mean that the inhabitants of that colony should govern themselves? Did you mean that they should govern themselves in the manner which they think best for their interests, or in the manner which you think best for the interests of this country? Now, on the subject of transportation, there is a conflict between the alleged interests of this country, and those of Van Diemen's Land. You think that it is for your interest to transport your convicts to Van Diemen's Land, and to cast forth your criminal filth on Van Diemen's Land. The inhabitants of that colony think that it is for their interest not to receive your felons, and to continue to be your cesspool. Which of these two interests ought the representatives of the inhabitants of Van Diemen's Land to prefer? Ought they to prefer the interests of their own constituents or of your constituents? They will, without doubt, prefer the interests of their own constituents. They are bound to do so by every recognised principle of constitutional government. They will do so. I believe not one man will be elected a Member of the House of Assembly of Van Diemen's Land who is not pledged to resist transportation by every means in his power. What will you do? Discontinue transportation, or repeal the constitution of Van Diemen's Land? You must do one of these two things; for free institutions and transportation cannot co-exist in Van Diemen's Land, as long as the feelings of the inhabitants of that colony are such as they are at present. I beg the House to observe that the question upon which I ask for a decision to-night is not whether there shall or shall not be such a punishment as transportation; upon that question I have repeatedly expressed opinions which are unchanged. The question for the House is not whether any more convicts shall be transported to any colony, but whether any more convicts shall be transported to Van Diemen's Land without the consent of its inhabitants. You have laid down the rule with regard to your southern colonies, that no convicts shall be sent to any one of them without its consent. You say that Van Diemen's Land shall be the one exception to that rule; that you created that colony for convicts; that it has been, is, and shall continue to be, a penal colony. Then I say you have committed an act of insanity in giving them free institutions, and arming them with the best weapons to resist your will. I therefore call upon you to keep faith with them, and to extend to them the rule that no convicts shall be transported to them without their consent. I have proved that all classes of free settlers in Van Diemen's Land, that bishop and clergy, magistracy and gentry, tradesmen and labourers, fathers and mothers, are utterly hostile to the receiving of convicts under any system. I have shown that accumulated and appalling evils, moral, political, and social, have resulted from transportation to Van Diemen's Land; that in consequence of the existence of those evils, which you have repeatedly acknowledged to exist, the Colonial Office did promise first in 1846 to suspend transportation to Van Diemen's Land for two years; 2ndly, in 1847, to discontinue transportation altogether to that island; 3rdly, in 1848, that the additions to be made from this country to the population of that colony should not consist principally of convicts. I have proved from your own despatches that every one of these promises has been distinctly made, and not one of them has been kept; that in 1846 you did not suspend transportation to Van Diemen's Land; that in 1847 you did not discontinue transportation to that colony; and that since 1848 you have poured into Van Diemen's Land four times as many convicts as free emigrants. I have shown from resolutions agreed to at numerously-attended public meetings, and by petitions signed by every one of note and respectability in Van Diemen's Land, that your faithless and vacillating conduct has produced throughout the whole of Tasmania and Australia the deepest indignation and discontent; that it is destroying the attachment of Van Diemen's Land to this country, and is producing an Australasian league against transportation. I believe such a league amongst colonies with free institutions, situated at the Antipodes, cannot be resisted. It appears to me, therefore, that it would be not only just, but wise and prudent, to take steps to bring about as speedily as possible the discontinuance of transportation to Van Diemen's Land. I exhort and warn the House to suffer no delay in this matter, if you hold dear our Australasian dependencies. For many years I have taken the deepest interest in the affairs of those colonies. I am convinced that they are amongst the most valuable of our colonial possessions, the priceless jewel in the diadem of our colonial empire. I believe they can be easily retained with a little common sense and judgment on our part; that well governed they would cost us nothing, but offer us daily improving markets for our industry, fields for the employment of our labour and capital, and happy homes for our surplus population. That Australian empire is in peril from the continuance of transportation to Van Diemen's Land, and therefore I move that an Address be presented to Her Majesty, praying for the discontinuance of transportation to Van Diemen's Land.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying for the discontinuance of Transportation to Van Diemen's Land."

MR. HUME seconded the Motion.

SIR GEORGE GREY: Sir, the hon. Baronet who has just brought forward this Motion, both at the commencement and also at the conclusion of his speech, informed the House that his Motion did not affect the question of the continuance or discontinuance of transportation as a punishment generally—that it related solely to the discontinuance of transportation to Van Diemen's Land—and that if the House agreed to the Address, it would not affect the question of whether transportation, as a system of punishment, should or should not be continued. But, I beg to remind the House, that the greater part of the arguments the hon. Baronet has used against the continuance of transportation to Van Diemen's Land, apply as strongly against its continuance to any other British colony as they do to Van Diemen's Land; and that if the House agree to his Motion on those specific grounds which he has stated, they must be prepared to encounter the more important and wider question of what we are to do with our criminals, and what is to be the punishment we mean to substitute for transportation? Sir, I will not now go at large into this question. I assume, from his speech, that the hon. Baronet is not prepared to advocate the discontinuance of transportation as a system of punishment; but again I must remind the House, before they decide on this specific question, to bear in mind its relation to the general question to which I have just adverted—and to bear in mind the opinions repeatedly expressed by this House with reference to the discontinuance of transportation. In the year 1837, a Committee was appointed on the subject of transportation, in which the hon. Baronet took an able and active part. That Committee paid great attention to this subject, and in their report stated it as their belief that it was essential there should be an ultimate removal of convicted criminals from this country to distant colonies. The report of that Committee states, that the system of transportation is a system which it is essential to retain as a means whereby offenders against the laws, after having undergone a certain amount of punishment in this country, may be enabled to commence a new career in a new land with those chances of obtaining an honest livelihood, which the competition in the labour market at home, and the consequent indisposition to employ any persons suffering from the stigma of crime, effectually closed to them here. And the Committee go on to state, that the question for consideration then is, whether transportation might not be continued to the colonies, relieved from the danger of producing those social evils which had hitherto been found to follow it. No doubt the Committee condemned the system of transportation as it had been carried on up to that time; but they recorded as their deliberate opinion that the removal of the convicts to a new sphere of life, where they would not be thrown back into their former society and among their former evil associates, would be a highly advantageous arrangement. Subsequently to the report of this Committee, the question has frequently come before the House of Commons; and although there may have been no actual vote taken, the opinion of the House has been uniformly expressed to the effect that transportation—that is to say, not the system carried on up to the time when the report of the Committee appeared, or even up to 1846, but meaning the ultimate removal from this country of convicts condemned for a certain class of offences, and after having undergone a system of penal discipline here—was absolutely essential, both as a means of relieving this country from the evils which have been found to arise in other countries from the accumulation of a large number of criminals, who could not be kept in a state of perpetual imprisonment, and who, after liberation, could not obtain a livelihood otherwise than by falling back into crime—and also as, in itself, an essential element in the punishment of crime, from its holding out to criminals the deterring prospect of expatriation. In 1847-48 a Committee of the House of Lords sat on the subject; and that likewise put on record a deliberate opinion that transportation ought to be maintained. The Committee states, that nearly all persons—the Committee itself being unanimous—who had been examined, were of opinion that the system of transportation cannot safely be abandoned, and that as a punishment it had terrors for offenders generally which nothing short of death possesses. I have only recalled to the recollection of the House the passages in those reports, and the expressed opinion of the House itself on the subject, in order that in dealing with this subject we may not so deal with it as to render it impossible for the Government to carry into effect the decisions of both branches of the Legislature in regard to transportation. But with regard to the narrower question raised by the hon. Baronet, and limited to Van Diemen's Land, I am at once ready to admit to the hon. Gentleman—for I will not waste the time of the House by reviewing in detail the evidence which has been adduced—that there has latterly been, and that there is, a very general desire among the inhabitants of Van Diemen's Land for the discontinuance of transportation to that colony under any circumstances whatever. The hon. Baronet has adverted to the petitions addressed to this House and to Her Majesty, from different classes in Van Diemen's Land, some of the persons signing those petitions being persons whose sentiments are entitled to the greatest attention, and all praying that no more convicts, under any circumstances, shall be sent to that colony in which they live. Now, in referring to those petitions, I might say that in many cases the statements they contain are grossly exaggerated, and that justice would not be done to the colony, if we are to accept such statements as correct with regard to the general condition of the colony, and to the results of the system of transportation of late years. But I clear the ground in making, at once, the admission that there exists a general desire in the colony for the abolition of transportation. The hon. Baronet, in making this Motion, chiefly relies on an alleged promise of the Government given some years ago, that transportation to Van Diemen's Land should cease altogether. On this supposed promise he grounds his Motion; and I will concede that if the faith of the Government had been actually pledged to the unqualified discontinuance of transportation to this particular colony, there would, indeed, be very strong grounds for the appeal to the House on this occasion. Certainly I will not deny that there are reasons for dissatisfaction on the part of the colonists, arising out of a communication made to them by the Government on this subject; but at the same time I think the hon. Baronet has considerably overstated his case in representing that the faith of the Government has been pledged to the extent he mentions. The hon. Baronet has read to the House extracts from despatches in which a declaration is made by the Government that transportation, as carried on previous to 1846, would not be resumed in Van Diemen's Land. Now, what are the facts? The hon. Baronet has detailed the frightful social evils existing in 1846 in Van Diemen's Land, owing to the vast accumulation of convicts in the few preceding years sent from this country to that colony, and he has also stated that the Administration of Sir Robert Peel, the right hon. Member for the University of Oxford (Mr. Gladstone) then being Secretary for the Colonies, had determined, in consequence of the results of excessive transportation to Van Diemen's Land, to suspend further transportation to that colony for two years. There was no decision recorded to that effect; but at the time we came into office I had communications of a very full and ample character with my predecessor in the office I have the honour to hold—and my obligations to the right hon. Gentleman, I am glad, on this occasion, to acknowledge—and we were informed that such was the decision at which the Cabinet of Sir Robert Peel had arrived—that was to say, that in consequence of the social state of Van Diemen's Land, they had determined to stay the immigration of convicts into that colony for two years. It appeared that the mischief operated in two ways—it inflicted a social evil and demoralised the colony—worked, as the convicts were, in gangs, the result of which was the dissemination of vice and of moral degradation—and further, in consequence of the labour market being overstocked, the convicts emerging from the probationary gangs into other classes, as provided for by the regulations established by Lord Stanley, could find no means of employment, and were in the end forced back on the hands of Government. Under the circumstances which we found before us, we adopted at once the decision come to by the late Administration, and it was accordingly announced that transportation to Van Diemen's Land would be suspended for a limited period. The hon. Baronet (Sir William Molesworth) referring back to this, now says that there has been a breach of engagement, inasmuch as in 1846 and in 1847 a large number of convicts were sent to, and arrived in, Van Diemen's Land. It is quite true that, in 1846, a large number of convicts did arrive in Van

Diemen's Land; but the reason was, that they had left this country at the end of 1845, or the first part of 1846, before the decision of the Administration had been announced, and they arrived out most of them towards the close of 1846, and some few at the beginning of 1847. As far as I can obtain information, I can state that not a single convict was sent to Van Diemen's Land in 1847; and if any convicts arrived out in that colony after January, 1847, they must have sailed from this country prior to the period when the suspension of transportation was determined on. I may therefore say, that in 1847, and up to the close of 1848, no convicts arrived at Van Diemen's Land. But, then, what did we do? The hon. Baronet has alluded to a letter I addressed to the Secretary of State for the Colonies on this subject, wherein I stated what were the views of the Government in the position in which they found themselves, and what were the prospects in respect to the accumulation of convicts in this country in consequence of the temporary suspension of transportation to Van Diemen's Land. I have, on other occasions, stated to the House what those views and intentions, at that period, were; and I have also explained how, of necessity, they were subsequently modified in the presence of the practical difficulties which we found in our path in our attempt to carry our system into effect. I am bound to admit that the views expressed in the letter referred to, and in Earl Grey's despatch to Sir William Denison, are not in strict accordance with the course subsequently pursued by the Government. I have stated before, and I repeat, that I was led to state those views and intentions in the letter in question from a belief that they were in the abstract perfectly right; but without sufficient experience of the practical difficulties of carrying them out—which difficulties those only can be really acquainted with who have been charged with the administration of the law in this country. But what did Earl Grey do? He did not write to Sir William Denison simply to state that transportation to Van Diemen's Land was to be suspended, and that at the end of two years no transportation was to be resumed; but in this very despatch he distinctly pointed out what the Committee of 1847 pointed out—the absolute necessity of the ultimate removal of convicts from this country—not as, up to that time, immediately after sentence— but in an advanced stage of punishment, and after having undergone a reformatory part of their sentence in this country—and not to Van Diemen's Land alone, but to Australia generally. Earl Grey adverts to the advisibility of dispersing convicts after having reached a certain stage in their punishment; and he clearly pointed, not to the abolition of the transportation of convicts, but to the imposition of the severer part of the punishment in this country, to separate imprisonment, to subsequent hard labour on public works, and to ultimate removal from this country, not in accumulated numbers, but under a new system, to apply to the Australian colonies generally—the new system referred to being that system of exile that was enforced with regard to prisoners sent to Pentonville, the exiles to be subject to all the penalties attached by the law to returned convicts returning to this country before the period fixed for their punishment had expired. Earl Grey, no doubt, contemplated that the exile system might generally be put in practice with regard to the great mass of convicts, and that when they were spread in a colony they might be free to obtain their own living, subjected only to the restriction that they should not return to this country during the time in which they held the conditional pardon. In addition to this despatch, my noble Friend sent also the correspondence which had taken place in this country between the Home and Colonial Offices, which was afterwards published in the colony: and I may also refer to my own letter, in which I very plainly stated, while giving expression to the views of the Government, that it was to be implied that the Government held itself at liberty to modify its intentions as it met the practical difficulties which might arise. I think, therefore, that Sir William Denison put a larger construction on these documents than the Government had contemplated. I do not blame Sir William Denison for that, because the language which I used was the language of hope, rather than of experience, and the views I stated were not, I think, expressed with sufficient caution. But, at the same time, I contend that it conveyed no promise, and no pledge of the Government, still less a pledge binding other Governments which might succeed us, that transportation under no circumstances was to be resumed to Van Diemen's Land, or that Van Diemen's Land was to be constituted an exception in this matter to other colonies. After, however, the declaration made by Sir William Denison, and after communications had taken place, and upon the representation of Sir William Denison himself, when we found he had mistaken the views of Her Majesty's Government, the system of sending out convicts as exiles was abandoned, and on his recommendation we substituted the system of sending them out on tickets of leave. As regards the application of it to the few, that system may be said not to have failed; but when applied to large numbers, we found that the freedom from all control led to serious evils, and that the colonists had some right to complain of the consequences upon society. And it was in reference to these evils that Sir William Denison, on behalf of the colonists, recommended that convicts should be subjected to the limited control of tickets of leave, that they should be spread in districts, but always under a certain discipline, which they could not be subjected to when holding conditional pardons. It is also true that convicts have been sent to Van Diemen's Land, contrary to the hopes which were expressed when the Government in 1847 first began to deal with this subject. We were under the pressure of circumstances, which rendered it utterly impossible to continue the course which we had desired to adopt, unless, indeed, we had gone directly in the face of the avowed opinions of Parliament—I refer to the debates of this House, and to the recorded opinions of the House of Lords—that transportation ought not to be discontinued. In that very despatch, in which Sir William Denison spoke of the general expectation that the old system of transportation would be abandoned, he qualified what he said by a statement which the hon. Baronet (Sir William Molesworth) has not read. Sir William Denison said—

> "Under all the circumstances, I think it would be desirable to carry out the intention mentioned in your Lordship's despatch, to discontinue transportation;" and he added, "and to make every possible arrangement, financial as well as administrative, by which the colony may provide for the inconvenience that may arise from the change of system."

Sir William Denison here referred to the effects of the sudden abolition of transportation; and he entertained no doubt that there would be great financial difficulties—that a great demand for labour would arise, for which there would be no adequate supply, if transportation was to be suddenly and totally abandoned. We also received from Sir William Denison, subsequent to that period, statements from time to time of the effects produced by the suspension of transportation, by which it appeared that the evils arising from the crowding of convicts had been diminished, and that there was again arising a demand for labour, for which there was no due supply. We received a despatch from Sir William Denison, dated 27th June, 1848, and laid on the table of the House in February, 1849, in which he calculated that there would be needed in the colony a supply of from 700 to 800 convicts yearly; and it was thus made out that the new system had been so far successful in the colony. Afterwards that demand so far increased that in the next year Sir William Denison stated, that taking everything into consideration he thought an annual importation of 1,500 male convicts would not be too excessive. We received another despatch in December, 1850, in which he repeats that 1,500 male convicts could annually be received with advantage—in reference to the opportunities for employment in the colony, and not in reference to moral considerations, which rest on entirely different grounds. There is, then here evidence that one class of evils following transportation was removed by the measure of the Government, and that room existed for a short period in Van Diemen's Land for a limited amount of transportation, in order to supply the undoubted demands of the labour market. With regard to what was done subsequent to the resumption of transportation to that colony, I think the hon. Baronet has been somewhat misinformed. In a petition printed in a morning paper of to-day, and emanating from persons in the city of London, on this subject, it is asserted that 30,000 male convicts have been sent into Van Diemen's Land since 1840. The hon. Baronet has also represented the number as excessive; but as far as I have been able to collect the facts, I am justified in saying that there has been in this matter considerable exaggeration. I have obtained the returns of the Home Office, and of the Colonial Office, and I find that since 1840 there have been sent into Van Diemen's Land, from this country, 22,506 male convicts. The hon. Gentleman, on this point, has suggested that the great evil to the colony arises from the great disproportion of female from the number of male convicts. He says that transportation has gone on on the same scale as before, that the stream has rushed on unchecked. Now, I find that in the six years before 1846, not including 1846, the first half of which had elapsed before the suspension of transportation took place, that 17,675 out of the 22,506 were sent to Van Diemen's Land; and that since 1846, not more than 4,831 convicts have been sent into that colony. The year before last only 300 were sent to Van Diemen's Land; but last year, I admit, a larger number was sent, but that was owing to the circumstance, that transportation had been wholly suspended for two years. I may add, that in July, 1846, the number of convicts in the colony, male and female together, amounted to 30,507; and in July, 1850, there were only 25,405, being a reduction of 5,000 convicts. This showed that something at least had been done to stay the stream of immigration of convict labour into the colony, and to restore society in the colony to a healthy condition. And remembering the aggravated evils which pressed upon the colonists in Van Diemen's Land in 1846, suffering as they were from those evils, and from the state of society engendered from the large accumulation of convicts—admitting also the expectations held out to them that transportation, at least without essential modifications, would not be resumed in that colony, I am prepared to admit that they have reason in their complaints, and that it is the duty, as it is the desire, of the Government to give every attention to their remonstrances, and to endeavour to relieve them as far as possible, if not altogether, from the evils against which they are now entering their protest. Before I now proceed to state what have been the views of the Government as to the pressure of convicts in the colony, I will say a few words in allusion to what has been said by the hon. Baronet with regard to the social condition of Van Diemen's Land; and I will call the attention of the House to some papers which have been laid on the table, having reference to the circumstances of the colony at this moment. I find, in respect to its material condition, a despatch from Sir William Denison, dated 15th of November, 1848. Sir William Denison wrote as follows:—

> "Having thus disposed of the report, I will attempt to bring before your Lordship such a statement of the advantages which the colony has derived from the presence of the convicts, as well as the disadvantages under which the colonists are now labouring from the same cause, as will afford sufficient data for some positive conclusion as to the amount to be contributed from the British Treasury towards the revenue, in order that this long-agitated question may be at once set at rest by a positive declaration on the part of Her Majesty's Government. First, then, with regard to the advantages which the colony has derived, and does derive, from the presence of the convicts. On comparing the aspect of this colony, whose existence dates back only about 45 years, with that of colonies of far older date settled under different circumstances, we are at once struck with the appearance of wealth and prosperity which is manifested everywhere. The houses in the towns are well built of stone or brick; the streets are well kept; the roads are remarkably good; the wharfs and public buildings show evidence of a large outlay of labour. In the country districts the houses of the settlers are well built, the inns and houses of public entertainment are large and commodious; in fact, there is a general aspect of ease and affluence throughout the length and breadth of the land. If inquiry be made as to the original condition of the persons who have been able to sink so much capital in buildings, &c., which yield no return, it will be found that in very few instances did these bring any amount of capital into the country. The whole of this has been the product of the labour, of whom? Of the convicts. Without the cheap labour so freely and lavishly furnished, Van Diemen's Land would now have been in a state of proverty approximating to Western Australia, instead of exhibiting those indications of wealth and prosperity which are evidenced by an import and export trade amounting to upwards of 1,200,000*l* per annum, and which is daily increasing and assuming a more healthy and substantial appearance. This is the result of the convict system in past years. What is the case at present? There are altogether about 24,000 convicts in the colony, of whom about 7,000 are in the hands of the Government; the remaining 17,000 compose about three-fourths of the working class; the whole of which, by the census, would appear to amount to about 24,000. The presence of these convicts, who supply the labour market at a cheap rate, keeps down the price in Van Diemen's Land as compared with New South Wales and South Australia. Here the ordinary wages of labour vary from 9*l*. to 12*l*. per annum. In those colonies they range from 18*l*. to 24*l*.; and the same proportion, or nearly so, holds good in the wages of mechanics and artisans. It may, therefore, be fairly said that a saving of 9*l*. per annum, on an average, is made in the wages of every one of the working class in this colony; and, as this class contains, as before stated, 24,000 individuals, the saving to the employers of labour amounts altogether to 216,000*l*."

Now, I have spoken of the advantages of the new system, of the different class of the convicts who are now sent out of the country—convicts who have undergone a preparatory and reformatory punishment here, under the best regulations as to the system of labour which could be applied. The hon. Baronet says that all this makes no difference, and that the moral taint remains the same. I think that all the evidence of which we are in possession on this subject will be found to contradict that opinion of the hon. Baronet. It is stated in one of the recent reports of the Pentonville Commissioners, the report in question being signed, among others, by the hon. Gentleman himself, who at the time was one of the Commissioners, that the "exiles" from Pentonville had become very valuable servants, and were in all respects very superior to the average; and that the result of the system pursued with them was, that the convicts sent from that prison had been qualified to obtain honest positions in this or in any other country. Mr. Boyd, also, superintendent surgeon of Blenheim, in Van Diemen's Land, gave the following evidence on the subject:—

> "With respect to the prisoners from Portland, they appear, as I have before remarked, to be in decidedly higher order than the hulk men as a body; for, so far as a close supervision of their conduct during the short time they have been at this establishment has enabled me to form an opinion, I consider them, with a few exceptions, to be a well-disposed class of individuals, and from their being mostly ablebodied, and having been taught useful occupations at home, I have no doubt they will prove very desirable servants to the colonists."

I have called attention to these facts, to show that transportation at this time must not be regarded as the same system as transportation a few years ago; and that it must not be assumed, because convicts were formerly sent to the colonies without any care being taken in their moral or religious training, and were placed together to work in gangs, whereby evils were produced, the effects of which were even now but too apparent, that, therefore, transportation under a totally different system would still be followed and accompanied by the same mischiefs. Again, Sir William Denison, in commenting on a letter addressed to the Secretary for the Colonies by Mr. Hall, wrote thus in a despatch, dated November 27, 1850:—

> "The state of Van Diemen's Land, in all its moral and social relations, will not suffer by a comparison with that of any of the colonies on the mainland of Australia; and I would unhesitatingly appeal to any of the strangers who have during the last few years visited this colony to bear me out in the assertion. I enclose a copy of a letter, written, I believe, by an officer of high rank in the civil service of the East India Company—one who, from his position, was peculiarly qualified to form a correct judgment upon such subjects—which will serve to give your Lordship a better idea of the state of the colony than the rhetorical exaggerations of Mr. Hall. I need hardly apologise to your Lordship for addressing you on such a subject. I am placed in a position which compels me to notice matters which may operate injuriously to those over whom Her Majesty has been pleased to place me."

In another despatch from Sir William Denison, with which he transmits the Address to the Crown from the Bishop and clergy of Van Diemen's Land, he states that in forwarding this address, he begs it to be understood that he does not concur in the general statements which it offers. He says—

> "The strict system of discipline maintained at the different stations began to produce its natural effect in the diminution of crime during the course of last year, as evidenced by the police returns which accompanied the last report of the Controller General; and many of the offences now brought under the notice of the visiting magistrates, especially at the road stations, are in some way or other connected with attempts on the part of the convicts to escape from a system of discipline which, from the strict mode in which it is generally enforced, has proved most effective. If it were possible to trace the causes which have led each of the tenants of a convict station to his position as a prisoner of the Crown, it would be found that idleness, a deeply ingrained disinclination to any occupation requiring continuous and steady labour, either of body or mind, has been the primary cause in nine cases out of ten. The steady work exacted from these men at the station, and the monotony of the employment, are most distasteful, of course, and as opportunities are easily found of escaping from a gang at work upon the roads, cases of absconding have been numerous. I can, however, notwithstanding, corroborate the assertion of the Controller General as to the diminution of crime. The evidence of this, however, will be laid more fully before your Lordship in the next half-yearly report, which will comprise among the documents which will accompany it, the statistics of crime for the whole of the present year."

I am not saying that Sir William Denison is infallible. All I ask of the House is to weigh his statements as the statements of an able, intelligent, and experienced officer in the colony, and to put his representations fairly against the sweeping allegations in the petitions and addresses which proceed from persons who do not speak with the same sense of responsibility. I am not even arguing that all this greatly affects the real question laid before the House by the hon. Baronet. I admit that it would be for the interests of the colonists if the colony could be freed from those who have been, or are, convicts. But I believe that they are at present only suffering from the large accumulation of convicts of former years; and that the evils of which they complain do not arise at all in connexion with the small number now transported to them—those now sent hence being of a better class, and going under a new system. I believe that for many years past successive Governments have attempted to meet and to devise the most efficient measures against these evils; but as long as transportation remains a punishment which the Legislature insists upon continuing (and this large question is mixed up with the question raised by the hon. Baronet), it is quite clear that these evils cannot be altogether removed. The great object of the present Government has been the dispersion of these convicts, and that is the object which we ought always to keep in view; but we have been thwarted—and when I use the word thwarted, I complain of nobody, for I respect and sympathise with those who desire that no one tainted with crime shall be permitted to land on their shores—but we have been thwarted and impeded by the unwillingness, the natural unwillingness, of any of our colonists to receive convicts, or to co-operate with the Government in the attempt at the dispersion of convicts. If the Government had succeeded in inducing the colonists of New South Wales to receive convicts on a large scale, I think the solution of this difficult question would have been much easier than we now find it to be. At the present moment it is difficult, if not dangerous, to speak openly on the subject at all after the experience we have had of the disappointments occasioned by unexpected difficulties arising to impede hopes and intentions; but I will say that we have in contemplation means whereby we do trust to find it in our power to provide satisfactorily for the mass of convicts while to a very great extent meeting the wishes of the colonists. In Western Australia measures have been taken for sending out and employing convicts, and with good prospects of success. No doubt the number that can be received there is limited. The number already sent is only 500; but the House will find in the papers just presented to Parliament on "Convict Discipline and Transportation," the resolutions of a meeting held in Perth on the 10th of July, 1850, in which the colonists, stating that they had called for a supply of convict labour to develop the resources of the colony, which had hitherto remained quite stagnant, and which, properly developed, would render the colony one of the most flourishing of the Australian group, express their thanks to the Government for the ready compliance shown with their wishes. Very recently, too, we have had a despatch from Captain Henderson, the officer in charge of the convicts in that colony, which gives reasonable ground for hope that the experiment of sending convicts in that direction will be successful in reference to the interests of the colony generally. I believe that the works in which the convicts are engaged will be found remunerative to the colony, and that the advantages of the colonial prosperity will be speedily reflected on this country, and that if we incur a charge on account of the colony it will in the end be more than repaid to us by the ultimate results. But there is a still more important colonial district, the inhabitants of which require convicts—convicts who do not work in probationary gangs, and who are not employed under strict penal discipline, but who are under a modified system of liberty, that of the ticket of leave. This district to which I refer is Moreton Bay. By an Act of last Session, provision was made on the application of the inhabitants, for the separation of this large pastoral district from the rest of New South Wales; and the large proprietors of land and of stock there have asked the Government not to discontinue transportation, but to provide them with a supply of convicts of the improved class I have mentioned. We have information on this subject, which has reached us only within the last day or two. Newspapers of January of this year are now in our possession from that colony: and I hold in my hand two papers which usually take very different views in this matter—the *Moreton Free Press*, and the *Moreton Bay Courier*. Both these papers contain an account of a remarkable meeting, attended by the chief inhabitants of the colony, at which resolutions were passed expressive of the urgent necessity for supplying the district with convict labour. At that meeting several gentlemen, who formerly held the opinion that convicts should not be sent to the colony, came forward and avowed a change of sentiment, and stated their belief that the interests of the colony and this country might be at once promoted by a modified system of convict transportation, such as that to which I have already referred. These gentlemen said that the colony could receive at least two thousand convicts annually for a considerable time to come, and that with a due regard to the prosperity of the settlement. I do not like to indulge in any expectations or hopes which may be disappointed, and I have therefore contented myself with quoting these facts, as indicating the possible means of meeting some of the difficulties we have had to contend with. I am far, however, from saying that the colony of Van Diemen's Land has not some ground of complaint, and that the Government ought not to avail themselves of other outlets for convicts, and relieve Van Diemen's Land from any undue pressure; and although I feel, with Sir William Denison, that great advantages are derived by the colony from the presence of convicts under the new system, yet I sympathise with those who desire that the social and moral evils arising from the presence of these convicts should be removed. It is the desire of Government, without giving any pledge on the subject, such as the present Motion requires, to diminish transportation to the colony as far as possible, consistent with their public duty. They are prepared to give due attention to the representation from the colony of Van Diemen's Land as to the evils arising from the transport of convicts there, and will endeavour, as I have already said, to find other outlets, so that the colony may be relieved from the accumulation of any large number of comparatively undisciplined convicts. I have called your attention to the letter of a retired Indian officer, whose statement is of considerable importance; and I hope that hon. Members will read that letter, and give due weight to the views which are there expressed by an unbiassed and intelligent witness. That officer, before his visit to the colony, was led to believe that it was in the lowest state of degradation; but the result of a very careful examination on his part completely disappointed the expectations he had previously formed on the subject. It is highly necessary to the prosperity of Van Diemen's Land that its character, its social and moral position, should be properly understood, and that emigrants may not be deterred from going to the colony by exaggerated statements. I hope that the House will not by its hasty adoption of the Motion of the hon. Baronet (Sir William Molesworth), impose any fresh difficulties and embarrassments on the Government. It is requisite that we should act with great caution lest we should give rise to other evils greater than those which we are anxious to remove; and I trust that the House will be satisfied that it is the desire of the Government to endeavour to reconcile the interests of the colony with the interests of this country in dealing with this subject. I, therefore, hope that the House will not accede to the proposition of the hon. Baronet.

MR. C. ANSTEY said, it appeared that the complaints of the reluctant population of the colony were to be disregarded; that every incentive to the emigration of its free inhabitants would still be administered by the Imperial Home Government; and that every obstacle would still be thrown in the way of free emigration from Europe thence. He listened with some degree of surprise to the parties referred to by the right hon. Baronet (Sir George Grey). The right hon. Baronet had appealed with confidence to the solitary case of a public meeting assembled in the squatting districts of New South Wales (for that was the character of Moreton Bay), and had asked them if, in the face of that public meeting, the House would entertain the Motion of his hon. Friend the Member for Southwark (Sir William Molesworth). Then the right hon. Baronet had quoted the sentiments of an Indian officer, who had been only a few weeks in Van Diemen's Land, and who spoke against the testimony of all the inhabitants of the colony, all the public meetings that had been held, and all the petitions sent from the settlement to that House and the foot of the Throne. What he (Mr. Anstey) begged to ask was, the condition of Van Diemen's Land as represented by those who ought to know it best—the free people of the colony? It would be impossible, with any regard to public decorum, to enter into any details respecting it in any place which was open to the public press, or where publicity might, in any shape, be given to these details. The numerical proportion of the virtuous and criminal population of that land was, year by year, month by month, and week by week, changing to the prejudice of the former, and advantage of the latter. Free emigrants declined to go to that colony. They went elsewhere, and those free emigrants who had hitherto inhabited the colony, were emigrating by shoals to other colonies not tainted by the presence of a criminal convict population. In 1824, when Van Diemen's Land first possessed a free population, there had been every inducement held out by Government that those who went thither should be protected as much as possible from the contamination deprecated by the hon. Member (Sir William Molesworth). From 1824 to 1840 the free population had continued to increase, and the convict population decreased steadily until the proportion of convicts to free settlers had become only one half of what it had been in 1824. After the year 1840, when the number of convicts sent to the colony had increased considerably, the colonists had met and petitioned on the subject. The other penal settlements of New South Wales had been freed from the presence of convicts at the expense of Van Diemen's Land.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Seven of the clock, till Thursday.

HOUSE OF LORDS,

Thursday, May 22, 1851.

MINUTES.] PUBLIC BILLS. — 2^a Episcopal and Capitular Estates Management.
3^a Property Tax Bill.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT BILL.

The EARL of CARLISLE, in moving the Second Reading of "a Bill for the Management and Regulation of Episcopal and Capitular Estates and Revenues in England and Wales," felt himself called upon to claim the utmost forbearance and indulgence of their Lordships. He made this claim upon their Lordships from having found the subject one of a most difficult and complicated nature—one with which till within a very recent period he had been almost entirely unversed, and which, from the nature of its provisions, was almost sure to displease all the parties to whom those provisions applied. There were, however, two or three circumstances connected with it from which he derived consolation and encouragement. First of all, it was a measure entirely free from all party considerations; next, he had a firm conviction that Government in proposing it were actuated by no other motive than that of removing existing inconveniences, and of supplying existing wants. He also derived encouragement from the importance of the measure itself, and from the great advantages which it was calculated ultimately to ensure to the Church and the country at large. He likewise derived encouragement from this circumstance, that it was a measure which deserved, and, indeed, required, the most minute and careful attention; and, therefore, he hoped that their Lordships would give it a second reading, in order that he might refer it to a Select Committee carefully constituted, where all its provisions might be narrowly sifted and diligently considered. None of their Lordships, by acceding to the second reading, would be pledged to the provisions of the Bill further than this, namely, to admit that the improvement of Church property, and of the means of increasing the efficiency of the Church, was a fit subject for deliberation. The management of the property of the Church had, as their Lordships well knew, long been admitted to be very unsatisfactory, and had given rise to many and just complaints. It acted unsatisfactorily, and injuriously to all parties, to the Church as well as to its lessees; to the Church, inasmuch as it produced to its dignitaries much less of the legitimate value of their property than it ought to do; and to the lessees on account of the uncertainty of the tenure inherent in the property itself, and increased of late years by the course taken by the Ecclesiastical Commissioners appointed under a recent Act of Parliament, and by the discussions which the subject itself had recently undergone. Besides acting unsatisfactorily to the lessors and the lessees, it discouraged improvement, prevented the employment of capital, and promoted a negligent and imperfect system of cultivation. He did not make that statement upon his own views alone, but on the views of men of much higher and graver authority. It was stated in the report of the Commissioners appointed in 1849 to inquire into the Episcopal and Capitular Revenues, in reference to the terms upon which renewals of leases were effected, that it appeared to them that the Church realised ordinarily from one-fourth to one-third only of the rackrental value of its estates, the remainder being in the hands of the lessees; and that the fines were calculated so as to allow the lessees a return varying from five to ten per cent. There is a little doubt that, under a different plan of management, the estates might be made to produce a much larger income for the Church, and, at the same time, be held upon a tenure more acceptable to the lessees. The Committee of the House of Commons which had sat upon Church Leases in 1839, used the following language in their Report:—

> "Your Committee are prepared confidently to assert, that the system of raising revenue by fines, always improvident, is particularly disadvanta-

geous to the church lessor, from the peculiarity of his tenure; that the objections to it are felt in leases for terms, and aggravated most materially in leases for lives. They are also convinced that the balance of inconvenience over advantage is against the lessee, and that the system tends to prevent the investment of capital in the permanent improvement of the estate, whereby a check is put to the extension of buildings in some places where they are much required, and the country is deprived of all the benefit that might be drawn from the emancipation of a great extent of land which is now excluded from the advantage of the most approved system of agriculture."

From the promulgation of opinions like these, the country at large expected that an alteration in the present system, or at least a very great modification of it, would have been effected before now; and that expectation had placed in suspense the arrangements of all parties, and had discouraged all material improvements in this description of property. With a view of sifting every branch of this important subject, and of procuring results which would be fair and satisfactory to all, Her Majesty's Government issued in 1849 a Commission—

"For the purpose of inquiring into the present system of leasing and managing the real property of the Church in England and Wales, belonging to the archbishops and bishops, to the cathedrals and collegiate churches, and the several members thereof, being corporations sole, and to the several minor corporations aggregate within the said cathedrals, and also that vested in the Ecclesiastical Commissioners for England; and for considering how, and by what system of management, such property can be rendered most productive and beneficial to the said Church, and most conducive to the spiritual welfare of the people, due regard being had to the just and reasonable claims of the present holders of such property, under lease or otherwise; and also for considering whether any and what improvement can be made in the existing law and practice relating to the incomes of the said archbishops and bishops, and of the several members of chapters, dignitaries, and officers of the said cathedrals and collegiate churches, so as best to secure to them respectively fixed, instead of fluctuating, annual incomes."

That Commission was composed of the noble Earl on the cross-bench (the Earl of Harrowby), of the Dean of Canterbury, of the present Solicitor General, of Mr. Armstrong, and of Mr. Jones. These Commissioners in the year 1850 presented two Reports, both of which had been laid on the tables of the two Houses of Parliament; and Her Majesty's Government had, after mature consideration, determined on embodying their recommendations, with scarcely any alteration, in the Bill then upon the table, and on submitting them to the consideration of Parliament. It was now his duty to state the sum of these recommendations, and he would do so as clearly and concisely as possible. His Lordship read the following extract from the Report of the Commissioners:—

"The tenure of such property generally is by lease, either for three lives, renewable at the dropping of any one life; for 21 years, renewable at the expiration of every seven; for 30 years, renewable every 10; or for 40 years, renewable every 14; and in such leases a rent, usually little more than nominal, is reserved, and a fine, varying in different cases (being, in fact, the principal source of emolument to the lessor), is payable at each period of renewal. Power has been obtained under special Acts of Parliament, and also under the Leasing Act passed in the fifth and sixth years of Your Majesty's reign, for granting leases for long terms of years, for building, mining, and other purposes. Some portions also of the property of the Church are let at rackrent, and others are in hand."

The rents reserved to the Church under these leases were very small, and in some cases almost nominal; but the fines taken at each renewal formed the main property of the Church. In leases for lives the custom was to assess the fine at 5 per cent or upwards, so as to secure to the lessee that rate of return for the money which he paid as his fine. In leases for terms of years the custom was to give him interest for his money at the rate of 7, of 8, and even of 10 per cent. In the ordinary case of a lease for 21 years, the fine had generally been made equivalent to a year and a half's value of the land let, which gave the lessee 7 per cent for the money which he thus laid out. Now, their Lordships must be aware that landed property in England generally sold for 30 years' purchase, which gave the purchaser little more than 3 per cent for his money. To show the difference between Church property and landed property generally, he would mention that the Church lessee who paid 5 per cent for his fine, gave 20 years' purchase for his property; if he paid 6 per cent, he gave only 16⅓ years' purchase for it; and if he paid 9 per cent, he would only give 11 years' purchase. From this statement it appeared that if the bishops and deans and chapters had been in the habit of renewing leases, which secured 5 per cent to their lessees for lives, and 8 or 9 per cent to their lessees for terms of years, it would be as disadvantageous to the Church, considered as an enduring body, as if they had sold property which ought to have brought 30 years' purchase, for 11, 16, or 20 years' purchase. There was then ample opportunity for making these estates productive of a larger income for the Church, and for placing them on a tenure more acceptable to the lessees. Very opposite views had been taken as to the principle which ought to regulate the final adjustment of the rights and claims both of the lessors and the lessees of this species of property. It had been asserted by some that the Church should be dealt with as if it might properly run all its leases out, and at the end of subsisting terms enter into the absolute possession of the property. It had been asserted by others that the lessees were entitled to a renewal of their leases on the same advantageous terms which they had hitherto practically enjoyed. Now, it was clear that, according to the strict letter of the law, and according to the precedent adopted by the Crown towards its lessees—although the lessees of the Church were not, as he would show hereafter, in a situation exactly similar to that of the lessees of the Crown, an argument might be raised favourable to the extreme views taken by the Church, or, in other words, the lessors. It would, however, be a very grave matter utterly to extinguish the connexion which for ages had existed between the owners and lessees of Church lands—and, if he might use a phrase but too well known at present, to "ignore" all the advantages to which the Church lessees had hitherto been accustomed. There had been such confidence placed by the lessees of the Church in the practice and terms on which their leases were renewable, that they had long reckoned upon their property as all but equal to freehold, and had made it subject to mortgages, family settlements, and devises by will. Let it be remembered in what position the parties respectively stood. These fines constituted the actual income of existing bishops, and deans and chapters. If they did not renew the leases, they had no income. It was often the object of the lessees to wait; but the bishops could not wait; if the bishop was an old man, or in precarious health, or expecting a removal, he might be led to continue the lease at a disadvantageous rate to his successor. He (the Earl of Carlisle) was of opinion, and he thought their Lordships would agree with him, that no class of men should be less liable to an uncertain and fluctuating income than those who filled high dignities in the Church. It was therefore impossible, without the aid of Parliament, to effect an arrangement favourable to the Church by giving them power to run out the leases, which they had hitherto never failed to renew; and, to such an arrangement as that, he did not expect that Parliament would willingly assent. The Commissioners had recommended a compromise between the extreme views taken by the Church on the one side, and by the lessees on the other; and that compromise was incorporated in this Bill. The main ground of this compromise was a recommendation of the Commissioners to give to the lessees a perpetual right of renewal. That was, indeed, a large concession; but he did not see in what way their Lordships could improve the property of the Church without making some such arrangement with the lessees, who had many ways, as their Lordships could easily imagine, of making their views and just wishes felt in the other House of Parliament, and who, he was sure, would never consent, without adequate consideration, to give power to the bishops to run out their leases. It was therefore proposed that the lessees should have a perpetual right of renewal. He would first deal with the lessees for lives. That had always been deemed, and on good grounds, a most objectionable form of arrangement. It exposed both parties—both the Church and the lessee—to great precariousness and uncertainty; it might suddenly destroy the anticipations which both parties had been led to form, and compelled the lessees in many instances to insure the lives of the parties in their leases. It was, therefore, proposed to convert leases for lives into leases for an equivalent term of years. There might be cases where there were precarious and uncertain lives, and where the lives of members of the lessees' families had been insured, which might render them desirous that their leases should not at once be converted into leases for years. It was therefore proposed that in such cases the Commissioners should keep up the existing lives, and only have the power to substitute a term of years for the third or new life in the leases under which they now held. Thus in the course of a few years all leases would be brought under the category of leases for terms of years. In what way, then, did the Bill propose to deal with those leases? He would explain as briefly as he could. Suppose a farm worth clear 100*l.* a year let on a lease of twenty-one years, renewable every seven. Suppose seven years to have expired, and that the lease has now fourteen years to run. In the ordinary course the lease would be renewed, that is, another term of seven years would be added upon payment of a fine differing in different districts. The more usual fine is a year and a half's purchase, that is 150*l.* in this case. This process would be repeated septennially, so that the lessee would receive a septennial fine of 150*l.*, which the Commissioners state to be equivalent to 25*l.* per annum. Now, if the lessor should determine to run his lease out, he would receive no fine, and at the end of the fourteen years would become entitled to enter upon this farm of 100*l.* a year. It was found that a perpetual rent of 100*l.*, to commence fourteen years hence, which was the extreme right of the lessor, was equivalent to a perpetual rent of 63*l.*, to commence immediately. Accordingly the beneficial interest which the lessor (the Church) practically would enjoy from this farm of 100*l.* per annum under the present system of renewal, is equivalent to 25*l.* per annum; but if the lessor were to run out the lease, his beneficial interest would be equivalent to 63*l.* per annum. Now it was proposed by the Commissioners—and he would give their Lordships the words of the Commissioners themselves—to divide this difference between the lessors and lessees in the following way. They propose, that

> —"henceforth a septennial fine should be paid to the Church, calculated at the same rate of interest as at present, but only on half the annual finable value; and that at the end of the now existing term an annual rent should thenceforth be paid to the Church equal to the other half of the annual finable value. We may in other words express the arrangement thus, viz., that as to one moiety of the annual finable value, the Church should, as it were, run out the lease; and, as to the other moiety of the annual finable value, the Church should renew the lease upon a fine calculated at the same rate of interest as at present."

Now, he would apply this to the instance which he had just selected. Instead of paying, as now, on the renewal of his lease a fine of 150*l.*, the lessee would have to pay a fine of 75*l.* in respect of one moiety of the annual value of the property, and a like fine of 75*l.* at the end of every seven years, and as to the other moiety, he would have to pay a 50*l.* rent, to commence at the end of fourteen years, when his lease would, unless renewed, have expired. The Commissioners have ascertained that the septennial fine of 75*l.*, and the annual rent of 50*l.*, to commence at the end of fourteen years, are together equivalent to an annual rent of 44*l.*, to commence immediately *præsenti,* so that by the arrangements proposed, the lessor (the Church) would receive what is equivalent to 44*l.* per annum, instead of the septennial fines of 150*l.*, which, as before stated, are equivalent to 25*l.* per annum, showing a gain to the Church of 76 per cent on the present fines. He knew the difficulty of following such nice and intricate calculations; but the result of the arrangement was, that the Church, instead of running out the whole lease, would only run it out so far as half the annual value of the property was concerned, and, instead of receiving the fine on the whole annual value of the property, would receive it upon an annual rent equal to the other half of the annual finable value; and thus the Church would only get half of its extreme rights, and the lessee only one-half of his extreme claims. It was proposed to employ the agency of the Ecclesiastical Commissioners to ascertain the precise rates of the fines now levied, that is, the proportion which the fine bears to the value of the property. Those Commissioners would also have a further power. It appeared that there were certain districts of the country, especially in the north of England, where, either from some notion of ancient right, or from invariable usage, the lessees were so confident of the renewal of their leases at the ordinary fine, that a twenty-one years' lease was of as much value as the fee-simple of the estate. In these districts, which would be defined by the Commissioners under the Bill, greater indulgence would be shown to the lessees. Instead of running out the lease as to half its annual value, and continuing the system of fines as to the other half, the lessor would in these districts run out the lease only as to one-third its annual value, and continue the system of fines as to the other two-thirds. Property in houses did not stand on the same footing as that in lands and farms; but it was intended even in that case to bring about a nearly analogous result. From the deteriorating nature of house property, it would be impossible to make a reservation of rent to the extent of half the finable value upon the expiration of the lease. It was proposed, therefore, with respect to house property, to give the lessee the right of renewal upon the present amount of fines; but in such cases there was to be reserved, besides the rent which he would have contracted to pay, a further additional rent, equivalent to half the value of the right now to renewal to be conferred upon him. By these means the advantage would be divided between the lessor and the lessee in equal proportion as in the other cases. Property in mines was to be placed on the same footing as property in land. There was, however, one species of property which was not to be put on the same footing as other property, and that was tithe rentcharges. The greater portion of these rentcharges were let on leases for lives or twenty-one years. The Commissioners were of opinion that they should be dealt with on different principles from those suggested for the management of land. They recommended that they should be suffered to run out, and not be renewed, except in special cases, to be approved by the central board. They founded this recommendation on the fact that these rentcharges had neither been formed by the past exertions, nor were likely to be improved by the joint future exertions, of lessees and lessors; there was not here the plea of lands being intermixed with other freehold lands of the lessee; and they stated generally that there were no circumstances of association and attachment to the property like those which actuated the leaseholder who had long occupied the estate, and might have other freehold property in the district. With respect to manorial rights, he thought they could hardly be looked upon as a very fitting ecclesiastical appanage: it was therefore proposed to let the leases run out, or to put them up for sale, or otherwise dispose of them. It was also proposed, in cases of copyhold property, to give the lessees facilities for enfranchising their lands by surrender; and any money accruing from this or any other source was to be vested in the Ecclesiastical Commissioners — first, for the purposes of this Act, and next, for the purposes of the Act under which they received their appointment. He had not mentioned what was proposed to be done with respect to timber—a species of property which had suffered most from the existing arrangement. The lessee had no right to cut it; the lessor had no right of entry on the land, and therefore had no power to cut it; and the lessee, having no interest in it, would neither enclose nor protect it. The consequence was, that the timber on the estates of the Church was in a very bad and unsatisfactory condition. It was therefore proposed that all timber now growing on the leasehold estates held under the Church should be valued at the next period of renewal, and paid for by the lessee, and thenceforth be considered as his property. It was also proposed that the future fines should be assessed upon the value of the land, without reference to any timber growing thereon. There were also facilities provided for the reimbursement of any sums expended, either by the lessor or the lessee, for the improvement of the estate, which would occasion unusual outlay; but, in future, those arrangements would be made on a valuation at the end of every twenty-one years, instead of every seven years, as at present, a circumstance which would be at once a benefit to the lessee, and a security to the interests of the Church, for it would afford scope for the improvement of the property, without depriving the Church of any ultimate advantage which might accrue from that improvement. He thought that these details would remove from the Bill the imputation that it was a Bill for the alienation of the property of the Church. He would not defend himself from such an imputation, as he trusted that, with his well-known opinions, it was quite unnecessary. He thought the Bill would enable the Church to improve its property, and by its improvement to increase its means for the spiritual instruction of the people. Such were the material provisions of the Bill, so far as regarded the relations between the Church and the lessees of its estates. The Bill also comprised other arrangements not wanting in importance for the management of the estates vested in bishops, deans, and chapters. It would give to those high dignitaries fixed instead of fluctuating incomes. That had always been the intention of the Legislature, but hitherto it had been inadequately realised. Some bishops had received more, others less, than the income intended for them. To put an end to this state of things, to secure the regularity of the incomes of the right rev. Prelates, and to guard them against any injury which might accrue from this change of system, it was proposed in the case of all bishops appointed subsequently to the passing of the Act of 1848, to vest the management of their estates in the Ecclesiastical Commissioners, the bishops receiving in the meantime the fixed incomes assigned to them by law until they were provided with separate estates and endowments to that amount, while the surplus was to be transferred to the Ecclesiastical Commissioners for the purposes of that Commission. It was not proposed to take the management of the corporate estates belonging to our cathedral and collegiate churches, nor the estates of deans and chapters, out of the hands of those bodies. Where their incomes were fixed by law, those incomes would be paid to them. Any deficiency would be made good by the Commissioners, and the sums so advanced would be charged on the estates attached to their incumbencies. In order to provide for any unforeseen emergency which might arise out of these changes, power was given to the Ecclesiastical Commissioners to borrow money on debentures. With respect to the whole measure which he had now introduced to their Lordships—and he well knew how imperfectly—he had only to repeat the observations with which he had commenced, that he presented it to them in the hope that it would receive their careful and deliberate consideration. If their Lordships should take, as he hoped they would do, the usual course of reading the Bill a second time, and should then refer it to a Select Committee, they would be able to decide which of its provisions ought to remain, and which ought to be omitted. It was not for him to give advice to the right rev. bench of Bishops—advice as to the course which they ought to pursue: but this he might be permitted to say, that he thought it would be impracticable to carry through Parliament, as it was at present constituted, or as it might be hereafter constituted, any Bill for the purpose of enabling the Church to run out its leases, and to enter into the full enjoyment of their estates without full consideration for the lessees—and that even in case such a provision could be carried, it would be matter of doubt whether it would be prudent that bishops and ecclesiastical dignitaries should be changed into the holders of landed property, and become landlords at rackrents, and liable to all the inconveniences and vicissitudes of such a position. If such a large amount of income could be raised by such a measure as the present for the benefit of the Church—an amount which in the opinion of some might be doubled and even tripled by the new system of management—if such an increase of revenue could be realised for the Church either by this or any similar measure—then he put it to the right rev. Bench to consider whether it would not be most conducive to their own interests to give—he would not say a courteous and careful, but a scrutinising and even suspicious, attention to its provisions. Feeling confidence in the character of the measure itself, and in the advantages which it was calculated to produce, and feeling confidence also in the character of the illustrious body to whom he submitted it, he now moved that this Bill be read a second time.

The ARCHBISHOP of CANTERBURY said: My Lords, the noble Earl who has opened this complicated and delicate subject to the House with so much clearness and candour began by saying, that he approached the subject with much anxiety; and I trust that your Lordships will give me credit when I say, that I rise with peculiar reluctance and embarrassment on the present occasion. It is not without the greatest pain that I speak a word in disparagement of a measure proposed by Her Majesty's Government, with a sincere desire, I am assured, of promoting the best interests of the Church. And I know that it proceeded from a Commission which has been justly characterised by the noble Earl, two of the Members of which I had the privilege of naming, and which had no other object (it could have no higher object) than to make better provision for the religious wants of the community. Under these sentiments, which are shared, as I know, by my right rev. Brethren around me, no other than the strongest motives could impel me to desire any delay in the second reading of the Bill. But, my Lords, we are impelled by the strongest motives, by a paramount sense of duty, to express our apprehensions regarding this measure. We cannot, as at present advised, give assent to the principle of a Bill which we consider as tantamount to an alienation of the last remaining possessions of the Church—possessions of which the corporations now holding them are for the time trustees and guardians, and which their successors have a right to receive from them, as they received them from their predecessors. My Lords, the Bill before us gives to present lessees of Church property the right of perpetual renewal; and the right of perpetual renewal seems to us to be possession. To concede such possession seems to us the violation of a trust which we cannot conscientiously surrender. But, my Lords, the noble Earl has declared, in the distinctest terms, that in sending this Bill to a Select Committee, we do not pledge ourselves to support it finally, or to admit the principle of perpetual renewal. My Lords, if this can be established and generally understood, the apprehensions which influence me will be greatly relieved. I had apprehended that, according to Parliamentary usage, a Select Committee would have the power of inquiring into the several clauses of the Bill. of examining, revising, and changing its details; but not of altering its general purport, or of inquiring generally into the subject of Church leases. It could not be at liberty to inquire, for instance, whether any better mode than that proposed in the Bill might be devised for delivering the estates of the Church from their present state of thraldom, and making them more available to the general interests of the Church at large. But if I am misinformed in this respect, and if the Committee are at liberty, not only to consider the present measure, but to receive such other plans of treating this property as may be proposed, to compare them with the recommendation of the Commission, and report to your Lordships the result of their deliberations, the object which we had in view in desiring the postponement of the Bill will be, in a great measure, attained. If it shall then appear, after the large and full inquiries of the Committee, that no better mode of dealing with Church property can be recommended, more free from the objections to which the present measure is exposed, we shall still have that measure before us; and if it be then approved by your Lordships, our consciences will be so far relieved that we shall not be yielding to a *primâ facie* expediency, but to a sort of moral necessity. For your Lordships must not suppose that, in objecting to the proposed change, I am defending the present system. The present system is neither defensible in theory nor satisfactory in practice, and has nothing to recommend it except that it has been acted on for 300 years. I am so far from upholding that system, that I signed a petition to Her Majesty in favour of Church extension, which assumed that the management of Church property might be improved. I shall be most happy to concur in any measure which may produce such an effect, consistently with security of the property itself. My Lords, I have thus ventured to state the grounds of my hesitation concerning the second reading of this Bill. If it be clearly understood that the Select Committee is at liberty to take the whole subject into consideration, with reference to the present measure alone, my objections to the second reading will be in a great measure removed.

The BISHOP of LONDON wished that some one of their Lordships better acquainted than himself with the rules of that House would point out how far the noble Earl (the Earl of Carlisle) was correct in stating that by assenting to the second reading of this Bill, they were not committing themselves to its principle. He strongly objected to the principle of giving the power of perpetual renewals of Church leases; and the House ought not to assent to that principle without considering carefully what the right of the lessee was in a legal, an equitable, and a moral point of view. He certainly thought the lessee's right was not a legal, nor an equitable, much less a moral one, and that all he was entitled to was the exact value of his interest, whatever it might be, and which must be capable of a definite estimate. The Ecclesiastical Commissioners, who had now vested in them a large amount of property in lands and tithes, had dealt with the lessees on the assumption that the latter had no legal or equitable right; and if they adopted the principle of this Bill, they would, to a certain extent, throw a doubt upon the transactions of the Commissioners as to the sale and purchase of reversions. He did not agree that there were no other measures for providing for the spiritual destitution of the country but measures like this, which would subject the property of the Church to great diminution. No one was more desirous than he was to see the property of the Church made available for relieving that spiritual destitution; but that would not be accomplished by that Bill. In fact, the Bill would deprive the population of a future day of the means of supplying that destitution. It would rob posterity. He and his right rev. Brethren held the property of the Church in trust for the people of this country, and they felt that it would be a dereliction of their trust if they needlessly sacrificed one iota of what the Church was bound not to surrender. He was ready, however, to admit that the ancient system of managing Church property, which had come down from the times of Elizabeth to the present day, was imperfect and defective; and therefore he wished to see the whole question investigated before a Select Committee of their Lordships—for he was sure there could not be a more competent or impartial tribunal—in order to discover how the resources of the Church could be made more available for the spiritual instruction of the people; and also to consider, he would not say the rights, but the claims of the lessees, which, as far as they were fair and just, ought certainly to be considered. He hoped that their Lordships would pause before they sanctioned the principle of giving the lessees at once a right of perpetual renewal. Whatever course was ultimately pursued, the present occupiers of sees were in no way personally interested, because they would receive sufficient protection from the Legislature; but no lay Lord having risen to express his opinion, he had felt it to be his duty to the Church, for which he was a trustee, to make the few observations he had addressed to their Lordships.

The Duke of RICHMOND thought this Bill would operate much more against the lessees than against the lessors; but he was willing to allow the Bill a second reading, on the distinct understanding that in assenting to the second reading, noble Lords were not pledged to any thing but a full and fair inquiry before the Select Committee. The Select Committee, he could assure the right rev. Prelates, would have the power of altering every single word in the Bill, except the word "whereas," at the beginning. He did not assert that the lessees had a strictly legal right, but he said they were placed in a position in which the lessors were so completely interested in granting them a renewal, that they hardly ever ventured to refuse. The lessees in England were not nearly so provident as their brother lessees in Ireland; for if their Lordships looked to the Act of Parliament in Ireland, they would find it contained a clause allowing the lessees to force the renewals of their leases. The lessees ought to have done the same in this country, and then we should not have had these discussions so constantly taking place on that subject. But he had risen to say that to many of the details of this Bill he strongly objected; but he could scarcely be one who wished to give up to the lessees the property that belonged to the Church, because he desired to see the Church have more means at its disposal than it had; but, in considering this question, he thought they were bound to take into account the fair and moral right of the lessees of Church property. He thought the Ecclesiastical Commissioners ought to have treated these lessees in the same way as they treated their own tenants—they ought not to have rackrented them, but dealt liberally with them in a way that would have done justice both to themselves and the tenants.

The Duke of BUCCLEUCH said, that he had lately presented a petition from the Dean and Chapter of Westminister, praying, as he believed other petitioners had prayed, to be heard by counsel at the bar of the House against the Bill. This was a reasonable request, which he thought their Lordships ought not to refuse. Here was a Bill, which though professed to be brought forward on public grounds, was in reality a Bill affecting particular interests. He feared if they were to assent to the proposition of the noble Earl opposite (the Earl of Carlisle) and read the Bill a second time, it would be tantamount to affirming its principle. He did not much approve of the suggestion of referring the Bill to a Select Committee. It was a convenient and expeditious device for pushing the Bill through the second reading, but it certainly was not that course which was best calculated to promote careful discussion and mature deliberation upon the question, the importance of which must be evident to all. The best course, and the most créditable by far, would be to refer the whole question of the management of episcopal and capitular estates to a Select Committee, with instructions that they should also take into consideration the Bill now befor their Lordships. Such a Committee would, no doubt, devote to the question all the attention that its complicated importance required; and it would be time enough for their Lordships to undertake to legislate on the subject after the labours of that Committee had been concluded, and their report sent in. He admitted that he had only glanced over the present Bill; but the impression which his mind had received from the superficial view that he had been enabled to take of it was, that it was the commencement of a system for the alienation of the property in the hands of the Church, and that its inevitable tendency would be to destroy that independence which a Church, especially in this country, ought always to enjoy. It would, in fact, be only leaving them stipends out of their own property. At a moment like the present, when the aggression of a foreign Potentate had created such an excitement in the public mind, it was the duty of the Legislature to take care lest an encroachment no less dangerous should be attempted from a quarter not so remote. He confessed that he looked upon the present measure with some distrust, because he believed there were good grounds for apprehending that it would do more to destroy the independence of the Church than to benefit its revenues. With these convictions, he could not consent to give a silent vote. He had stated his views as briefly as was consistent with perspicuity, and he hoped their Lordships would consider the suggestion he had taken the liberty to submit.

The EARL of HARROWBY was understood to express his general approval of the principle of the Bill, and of the suggestion for referring it to a Select Committee. Such a course was not unusual, and he believed it might with great propriety be adopted in the present case. A reference to a Committee did not necessarily imply an affirmation of the principle of the measure—it would merely indicate an opinion on the part of their Lordships that the present state of Church property was far from satisfactory, and that it was desirable that it should be inquired into with a view to its better regulation. He would not enter into the details of the measure; but he could not conceal his conviction, that his right rev. Friend the Bishop of London had dealt rather too hardly with it. He was far from expressing an unqualified approval of all the provisions of the Bill; but he should be sorry that their Lordships should rashly reject the only measure that had yet been submitted to provide for the great and growing wants of the Church.

LORD STANLEY: My Lords, whatever difference of opinion there may be as to the details of this measure, there is one point, at all events, upon which there appears to be an unanimous concurrence of conviction, namely, that the correspondences which have taken place upon this question, and the amount of attention which it has attracted amongst the public, and the reports of the various Committees which have been appointed to consider it in both Houses of Parliament, have created a necessity for some legislation upon the subject. On the one hand, I believe that the public mind has been so excited upon this question, and that so strong a feeling has been aroused throughout the country as to the propriety of instituting an investigation into the management of this description of property, that it has become desirable, and indeed essential, with a view to the interest as well of the Church as of the lessees, that Parliament should expeditiously—yet not with more expedition than may be consistent with due deliberation—determine upon a clear and definite course of policy upon the subject. On the other hand, it cannot be denied that there prevails amongst the public a very general, and, indeed, I think, a very justifiable impression, that Parliament ought not to think of taking this question in hand without having previously given to all parties concerned at least as full a notice and as clear an intimation of the intentions of the Government and the Legislature with respect to it, as it is customary to allow even to persons who have an interest in a private Bill. For my own part, I should have no hesitation as to the course I should be disposed to pursue, if I could bring myself to believe that the statement which has been made by a noble Lord who spoke in this debate, was strictly accurate, namely, that the option we have to exercise in this matter is simply this—whether we shall affirm or reject the principle of this Bill? But I do not think that the case can be so stated. It appears to me that the question may be compressed into narrower limits, and that it does not comprise so important a proposition. If I could think that by voting for the referring of this subject to a Select Committee, I was necessarily rejecting the Bill, and expressing my disapproval of its principle, I should be averse to take such a course, for I should be sorry to do anything the effect of which would be to negative the only project that has as yet been submitted with a view to the attainment of an object which all must admit to be desirable. But I do not think that, by acceding to the suggestion that has been made for the reference of this Bill to a Select Committee, the House shall be taking a course which can in any degree tend to the rejection of the principle of the measure. Neither do I think that the House would, by so doing, be necessarily affirming the principle. It seems to me that my right rev. Friend opposite (the Bishop of London) very much over-estimated the powers with which the Select Committee are proposed to be invested, when he hazards the opinion that the principle of the measure will be affirmed if your Lordships should think fit to refer it to that Committee. I am sure that my right rev. Friend will not hesitate to admit that it would not be unworthy of the Legislature to enter upon an investigation to ascertain by what means those objects may most effectively be attained which are detailed at length in the preamble of this Bill. The

Bill appears by its preamble to be devoted to two principal purposes: firstly, to the improvement of the present system of leasing and managing the real property of the Church, and to render it most productive and beneficial to the Church, and most conducive to the spiritual welfare of the people, due regard being had to the just and reasonable claims of the present holders; and also to the improvement of the law and practice relating to the incomes of the bishops and members of cathedral establishments, so as best to secure to them fixed instead of fluctuating annual incomes. I am inclined to think that the noble Earl opposite was in error in assuming that the principle of allotting fixed incomes to the bishops has been adopted by Parliament. Undoubtedly it has been felt that there was a great variety and fluctuation of income among a body of men of equal rank, and that the income was not proportioned to the amount of duty, and endeavours were consequently made more to equalise both the labours and revenues of the respective seas, and to amend a system under which one prelate, by the number of fines falling to him, might be extremely opulent, and his successor in the see comparatively very poor. But these attempts cannot be said to have passed into a system, nor can it yet be affirmed that the principle of giving to all the bishops a fixed annual income has received a formal recognition from the Legislature. It is expressly stated in the last Report of the Commission upon this subject, that the object which they think it desirable for the Legislature to attain, is not to equalise the income of all the bishops for each particular year, but rather to establish such a state of things that, upon an average of years, the incomes of all the bishops shall appear to bear some proportion of equality. Therefore, it appears to me that the noble Earl opposite has spoken rather inconsiderately in saying that the Legislature, as yet at all events, has laid down any definite system on the subject of fixed incomes for all bishops. The last portion of this Bill involves some complicated arrangements whereby it is proposed that the whole of the episcopal revenues shall be taken into the management of the Commissioners—that, after being under their control for some time, they shall be reconverted into landed property, with a view to their being assigned again to the bishops, and distributed amongst the different sees, so as to provide equal endowments arising from land. Now, without pausing to examine the elaborate details of such a proposition, I am sure your Lordships will at least go with me to this extent, that such a proposition is one of unusual importance, and that the magnitude and the variety of the interests concerned, require that it should be made the subject of the most careful and the most deliberate consideration. The earlier portion of the Bill refers to the relative positions of lessors and lessees. The right rev. Prelate opposite (the Bishop of London) did not hesitate to express his disapproval of this portion of the measure. I understood him to say that he must always look with extreme disfavour on any proposition for granting to a tenant a right of renewal in perpetuity, because he could not but regard any such right as tantamount to a complete alienation of the property of the Church. Now, it is very certain that the lessees of Church property have no right, legal, moral, technical, or indefeasible, to a renewal of their leases. That we must take to be unquestionable; but, at the same time that we make that admission, we cannot refuse to consider what is the immemorial custom with respect to such tenures, and what has been found in all times to be their practical result. We cannot but be aware that, as things now stand, it almost invariably happens that the lessee occupies this position in relation to the lessor, and has this kind of holding on the lessor, that although he may not have a legal right to the renewal of his lease, the lessor finds it his interest to renew it, and recognises in the lessee a moral claim almost as strong as a legal right. The difference between the value of a freehold estate and a lease renewable for ever, may be measured with accuracy, and represented by precise figures. A fee-simple property may be calculated, upon an average, to sell for thirty years' purchase; whereas, property held under a Church lease, with the understanding that the lease will be continually renewed, will sell for twenty-four or twenty-five years' purchase. The difference is only that between twenty-five and thirty. Now, my Lords, however anxious I may be to improve the estates of the Church, and however deeply sensible I may be of the importance of the Church's being in the possession of property adequate to her great requirements, I cannot bring myself to look upon this question in the light of the Church's being in full possession of all these estates, so that she has nothing to do to get them, in an absolute and unqualified sense, into her own hands, except to run out the lives, and let the leases revert to herself. We see that the control which she desires to exercise over them cannot be conferred otherwise than by an Act of Parliament; and if the Act be passed for her benefit, I think it is but equitable that the Church should grant some co-relative advantage to those against whom the Act will operate. We must look upon this question in an impartial aspect, and admit it to be one in which something must be conceded upon one side and upon the other. Such is the view which I take of the matter; but if the right rev. Prelate, or any body else, can point out to me any method whereby, without any injustice to the existing holders, the Church property may be increased to the requisite amount, without granting to the lessees the right of perpetual renewal, and without altering the present position, in that respect, of lessee and lessor, I do not hesitate to say that I should greatly prefer such a method to that now under consideration. There is one point to which I wish to call your Lordships' attention. The Bill proposes to do away with leases for lives renewable for ever. Now, in the case of agricultural property, a lease for lives is not generally found to be an advantageous description of property; but in case of a lease for lives renewable for ever the lease has an undying interest in keeping the property in a beneficial state, and in permanently improving it. This Bill, however, proposes to convert leases for lives into leases for terms of years. In a political point of view, this is a very material alteration, for it is converting a freehold into a mere personal property. The Bill proposes to alter altogether the incidents of a very large amount of property, which, if it were held upon leases for lives renewable for ever, would be of a most valuable description, and to take away both civil and political rights. This is a subject which, in my opinion, deserves most serious consideration; and, though I would be very unwilling to appear to reject what is said to be the principle of this Bill, there are some words in the preamble which excite great doubts in my mind. The preamble not only recites the object of the Bill, but adds that the Commissioners had reported, and that it is expedient to carry into effect their recommendation; and it is difficult to say whether, by assenting to that preamble, your Lordships would not bind yourselves, to a certain extent, to an approval of the principle of the measure. I think it is most desirable, for the interests of all parties, that some adjustment of this question should be effected without any undue delay. I do not desire to reject this Bill; but, on the other hand, I think it desirable that the subject should be investigated calmly, carefully, and deliberately, and that the fullest opportunity should be afforded to all parties of stating their respective cases. I will, therefore, suggest to the noble Marquess opposite whether a course may not be taken by which your Lordships would neither affirm nor reject the principle of the Bill. I apprehend that there will be a technical difficulty in the course recommended by my noble Friend (the Duke of Buccleuch), because the House cannot refer a Bill to a Select Committee until it has been read a second time. I will suggest whether the second reading may not be postponed, and a Committee appointed to investigate the subject, to whom may be referred, not the Bill itself, but the reports of the Commissioners upon which the Bill is founded.

Earl FITZWILLIAM thought there would be great danger in adopting the proposition just made by his noble Friend, because, if his advice were followed, no Bill on this subject would pass in the course of the present Session. He believed that his noble Friend was aware of the interest which was felt on this question by all classes of persons connected with this description of property, as well lessors as lessees; and when he recollected how long this question had been hung up already, he thought his noble Friend would agree with him that it was not desirable to take a course which would have almost the necessary effect of suspending legislation upon the subject till another Session. He agreed with his noble Friend that, in a pecuniary point of view, the lessees would not stand quite so well under the Bill as at present; but, at the same time, they must consider the advantages which they would derive from certainty of tenure. The right rev. Prelate said that lessees had no rights, either legal, equitable, or moral—

The Bishop of LONDON: I said they had no rights, either legal, equitable, or moral—only an interest.

Earl FITZWILLIAM observed, that there were difficulties in making distinctions between claims and rights, but the lessees certainly had claims. He conceived that the lessees had a strong claim for consideration. Two centuries ago much of the Church property was sold by a Government, which, if not a Government *de jure*, was at all events a Government *de facto*. At the Restoration a good deal of this property was restored to the Church, but under this condition—that the Church should grant the proprietors of the restored estates those leases which have been renewed ever since. Now, those persons had, in his opinion, a strong claim for consideration, although they might not be able to show any absolute right. There was another point in respect of which the lessees deserved to be treated with consideration, and that was the relief which they had afforded to the lessors from all troubles connected with landed properties during the past few years, when the occupation of land had been attended with some inconvenience and loss. He was quite sure that it was desirable that they should adopt such a course as would at least not have the effect of further postponing legislation upon this subject. He would support the second reading of the Bill, with the view of its being referred to a Select Committee, although he was far from saying that he was entirely satisfied with all its provisions.

The Marquess of LANSDOWNE had no intention of entering upon any discussion in regard to the merits of the Bill, but would merely make a few remarks upon the course of proceeding which, according to the general expression of opinion, it appeared desirable for the House to pursue. He would begin by saying that there was very little in the speech of the noble Lord opposite with which he (the Marquess of Lansdowne) would be inclined to disagree; but he did think that the noble Lord would see, upon consideration, the advantage of that course which had been proposed by his noble Friend near him (the Earl of Carlisle) and which was perfectly consistent with the objections entertained by the noble Lord and many others to the provisions of the Bill. That course was to give the Bill a second reading, without pledging any person whatever to any of its provisions, beyond the general declaration contained in the preamble, that the present state of Church property was not such as ought to be continued, and that it was desirable that the Legislature should interfere with the view of putting it on a better footing with respect to its objects, and with respect to the interests of those who held that property, as well as of those who occupied under them. Beyond this he considered nothing to be affirmed by giving the Bill a second reading. Their object was that the Bill should be considered; and unless they were willing to read it a second time, with the view of referring it to a Select Committee, the Committee could not go into the consideration of the Bill itself, although they might institute an inquiry into the reports of the Commissioners, on which the Bill was founded. What he wished was, that a Committee might have the opportunity of considering both the Bill and the reports of the Commissioners together. He would ask their Lordships whether it was not a great advantage in Committee upon any difficult and complicated subject that there should be a skeleton and outline of a Bill, which pledged no person to details, to form a substratum for the consideration of the Committee? Their Lordships might, if they thought proper, reject in detail every one of the specific enactments of the Bill; in case their Lordships agreed to the second reading he did not consider they would be in any degree pledged to the principle of the right of the lessees in all cases to an absolute renewal. The preamble of the Bill spoke of carrying into effect the recommendations of the Commissioners; but its terms were not such as to exclude all proposals for altering or adding to those recommendations; and he saw nothing to prevent them being either approved, rejected, or modified in the way most conducive to the interests of the Church, with a due regard to those claims which the right rev. Prelate admitted to belong to the occupier. He (the Marquess of Lansdowne) concurred with the noble Earl on the cross benches (Earl Fitzwilliam), that if they sent the reports of the Commissioners to a Select Committee, without giving it the power of considering the provisions of that Bill, it would be equivalent to postponing indefinitely all legislation on the subject. It was now fourteen or fifteen years since the question had been first brought forward, and all who were interested in it had been led to expect that some settlement would shortly take place. The interests of the Church and the interests of the occupiers had both been affected in a material degree by the delay already occasioned, as it had been found impossible, in the unsettled state of the question, to make any new bargains upon which the resources of the Church depended. The subject was one intimately connected with the spiritual instruction and the general interests of the people; besides that, it had an important bearing upon a great body of landed proprietors, and he thought, therefore, that in order to have it fully discussed, the Bill should now be read a second time *pro formâ*, and then referred to a Select Committee.

The BISHOP of OXFORD rose to make a specific Motion in the direction pointed out by the speeches of the noble Duke (the Duke of Buccleuch) and the most rev. Prelate, namely, that a Select Committee of the House be appointed to consider by what system of management the capitular and other property of the Church could be rendered most productive to the said Church, and most conducive to the spiritual welfare of the people, due regard being had to the just and reasonable claims of persons now holding such property, whether under lease or otherwise. The noble Marquess (the Marquess of Lansdowne) had answered a most forcible objection brought against the course proposed to be pursued, by saying that although it was quite true the preamble of the Bill proposed to carry into effect the recommendation of the Commission, yet it contained certain qualifying words—namely, "with such modifications and additions." But the noble Lord had overlooked the conclusion of the sentence—"as hereinafter contained"—which did not leave the question an open one in any degree, but only modified the recommendations in the special manner provided by the clauses. He thought it was most desirable to approach the subject, pregnant as it was with the spiritual interests of future generations, in a manner the most unfettered and unprejudiced, and in which time could be given for the consideration of those claims and alleged rights a due regard to which was an essential part of that great duty of trusteeship, which primarily indeed belonged to his right rev. Brethren, but which in a secondary manner devolved upon all their Lordships. It might be objected that this course would produce delay, but it was a case to which the proverb "most haste is worst speed" might be applied; and he trusted they would at least be extremely cautious what measures on such a subject they carried through Parliament that Session.

Amendment moved—

"To leave out all the words after the word 'That' to the end of the Motion, for the purpose of inserting the following words; namely, 'a Select Committee be appointed to consider by what System of Management the Real Property of the Church in England and Wales belonging to the Archbishops and Bishops, to the Cathedrals and Collegiate Churches, and the several Members thereof, being Corporations Sole, and to the several minor Corporations aggregate, within the said Cathedrals, and also that vested in the Ecclesiastical Commissioners for England, could be rendered most productive and beneficial to the said Church, and most conducive to the spiritual welfare of the people, due regard being had to the just and reasonable Claims of the present Holders of such Property under Lease or otherwise.'"

The EARL of CARLISLE would give his most decided opposition to the Amendment. After the discussion which had taken place—after the general concurrence in the opinions which had been expressed—after the subject had been under consideration for upwards of ten years—after a Committee had been specially appointed last year, as to the report of which there had been no complaint—and after the Government had brought forward a measure founded upon that report—he thought it would be acting a most ungracious part now on a sudden to refuse the Bill the courtesy of a second reading, for—he thought the noble Lord had admitted—at least the present Session. He (the Earl of Carlisle) had been most astonished at the observation of the right rev. Prelate (the Bishop of Oxford) with respect to the preamble; because it would be perfectly open to the House in Committee to strike out the preamble; besides which they might alter every single provision in the Bill; and then the words "hereinafter contained" would apply to the clauses so altered. If a Select Committee were appointed, he thought that the person would be very sanguine who should suppose that its report would finally dispose of the question; and as he considered that the effect of the Amendment, if carried, would be a virtual withdrawal of the Bill, he should give it his most strenuous opposition.

The EARL of ABERDEEN said, the noble Earl who had just sat down had spoken of a second reading as a matter of courtesy; but the fact was, that the second reading, whatever might be the understanding they had come to, affirmed the principle of the Bill. He knew it was often difficult to explain what was the principle of a Bill; but that principle, whatever it might be, was, as he had said, undoubtedly affirmed by the second reading. If the principle of this Bill were, as had been represented by the most rev. Prelate, the renewal of leases in perpetuity, that would be admitted by the second reading, and they would be debarred from touching it in Committee. The provisions of the Bill they might deal with in Committee, but the principle they could not. The second reading was, therefore, not exactly a mere matter of courtesy.]

EARL GREY entirely concurred with the noble Earl who had just spoken, as to the adoption of the principle of the Bill being implied in the second reading of it; but what was the principle of the Bill? The noble Lords had both stated that they were willing to take as the definition of that principle the first, and the first part only, of the preamble, namely—and this was all that the House was asked to decide by the second reading—that it was acknowledged on all hands that the existing management of Church property was such as to be most injurious to the Church, the lessee, and the public, and that they would endeavour to pass an Act which should substitute for the present such a system of management as should render it most beneficial to the said Church, and most conducive to the spiritual welfare of the people, due regard being had to the rights of the present holders of such property, whether by lease or otherwise. They might alter the preamble in Committee, and even say that whereas a report had been presented with which they did not agree, such an alteration was proposed. Although the Amendment was not that the Bill be read a second time that day six months, it did, in fact, negative the Bill; and considering the present condition of Church property, he considered that the House would incur a great responsibility if they thus decided against any legislation on the subject whatever.

The ARCHBISHOP of CANTERBURY stated, that after the explicit declaration of the noble Marquess and the noble Earl, as to the instructions of the Select Committee, and also of the noble Duke and noble Lord opposite, as to the powers which the Committee would possess, he would no longer think himself justified in opposing the second reading of the Bill.

After a few words from Earl POWIS,

On Question, that the words proposed to be left out stand part of the Motion,

The House divided:—Content 46; Non-Content 28: Majority 18.

Resolved in the *Affirmative.*

Bill read 2ª accordingly, and *referred* to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 22, 1851.

MINUTES.] NEW WRIT.—For Newry, *v.* Viscount Newry, deceased; for Argyllshire, *v.* Duncan M'Neill, Esq., Judge of the Supreme Court in Scotland.

PUBLIC BILLS.—1° British White Herring Fishery.

2° Stamp Duties (Ireland) Continuance.

RAILWAY ACCIDENTS.

SIR GEORGE CLERK: Sir, seeing the right hon. Gentleman the President of the Board of Trade in his place, I wish to know whether, in consequence of the numerous and fatal accidents that have recently occurred on railways, arising, as it appears to me, from the short interval now allowed between the departure of one train and the starting of that which succeeds it, the Board of Trade are prepared either from their own authority to recommend to the Railway Board to adopt such measures as will prevent as far as possible the recurrence of such accidents, or, if the Railway Board are not possessed of sufficient powers to do so, whether it is the intention to apply to Parliament for such additional powers as are necessary to enable the Railway Board to interfere effectively to protect the lives and limbs of persons travelling on railways? I believe it is more than ever necessary that some precaution should take place at the present time, when there are advertisements from almost all the railway companies stating that several cheap trains will start to bring up numbers of persons to visit the Great Exhibition. The consequence might be, that either trains would be overloaded, being what were called monster trains, or it would be necessary for the companies to despatch trains at so short an interval that if the slightest accident occurred to a previous train, it would not be able to proceed before the next came up, and a fatal collision took place. There ought to be a regulation that a train shall not approach a station until it is signalled by the electric telegraph that the preceding train has passed beyond it. Two serious accidents have recently occurred on railways; and I hope the right hon. Gentleman will be able to state that measures will be taken to prevent the recurrence of such fatal accidents, as far as lies in the power of the board.

MR. LABOUCHERE: Undoubtedly the subject has received, and continues to receive, the utmost attention on the part of the Railway Commissioners. It is quite true, as the right hon. Gentleman has stated, that two most disastrous accidents have recently occurred upon two different railways in this country. With regard to the first of those accidents, an able Report has been presented to the Railway Commissioners, by Captain Nathaniel, who was sent to investigate the matter, and I shall lay that Report before the House. With regard to the other, a coroner's inquest is sitting upon it, and we have sent down an inspector specially to investigate and report upon the circumstances. With regard to what the right hon. Baronet has said as to the propriety of the Railway Commissioners undertaking the special control of railway arrangements with a view to the public safety, I must take the liberty of asking the House to be very cautious before it adopts the opinion that the public security would be increased by taking the responsiblity and control out of the hands of the railway directors, and transferring them to the hands of the Railway Commissioners. It is very natural, when several accidents occur, that we should have alarm and excitement on the subject; but notwithstanding the two recent occurrences, I must remind the House that, taking the railway communication on the whole, it has been conducted with a degree of personal security to the persons who travel, as well as with a degree of regularity and expedition, that is quite surprising. The subject will receive the best attention of the Railway Commissioners; but I cannot, as at present advised, hold out any expectation that I shall come to the House for any measure to give increased control to the Government over railway directors.

CAPITAL PUNISHMENT.

Mr. EWART rose to move the Resolution of which he had given notice. It referred to two points connected with the criminal law—Scotland and the Colonies. There might be many different opinions as to the expediency of capital punishment. There could be none as to the desirableness of the uniformity of the law, and the coincidence of its theory with its practice. In Scotland, and in many of our colonies, the administration of the law nearly corresponded with that of the law of England. His (Mr. Ewart's) object was, that the letter of the law should coincide with its administration. He would first refer to Scotland. The criminal law of Scotland was formerly much milder than the criminal law of England. In Mr. Alison's work on the law of Scotland, he found the following observations:—

> "The English criminal law was founded on statute, often made on the moment; the Scottish, on common law, which had been softened by the increasing humanity of successive times, and had accommodated itself to the ideas and necessities of more civilised ages. Hence, while the capital crimes of England were still (notwithstanding the enlightened efforts of recent legislation) nearly 300, those of Scotland were not 50, of which more than half had originated with the British Parliament."

A great change had, however, taken place in the criminal law of England. It was now of a more mitigated character than the criminal law of Scotland. At present the English capital crimes were about four in number, while the only one really capital in practice was that of murder. He (Mr. Ewart) must regret the difficulty of acquiring in England an exact knowledge of every point connected with the present law of Scotland. He had moved for returns on this subject; but they had not yet appeared. But according to Mr. Alison's work on the criminal law of Scotland, the crimes capitally punishable in Scotland, but not so in England, were as follows:—Rape, housebreaking, *furtum grave,* theft of more than one sheep or ox, *employés* in Post Office secreting, embezzling, or destroying any letter containing money, or any voucher or security for money, 5 George III., c. 25, 7 George III., c. 50., 42 George III., c. 81, 52 George III., c. 143; stealing or robbing letters from Post Office; altering any bill, note, order, or warrant for payment of money; forgery, arson, 'wilful fireraising,' not only houses, but corn, coalheughs, and woods, 1 George I., c. 48; certain acts of malicious mischief against animals, returning from transportation, 5 George IV., c. 84; many offences against the coin, being treason, Statute of 8 and 9 William III., c. 26, and of 56 George III., c. 68. He might be told, that though there existed this formidable list of capital crimes, it was not the practice to carry the law into effect in Scotland. The Lord Advocate had power to do what was technically called "restrict the libel"—that was, to mitigate the indictment—thus limiting the punishment so as not to inflict the penalty of death upon the offender. He saw, however, no reason why the law should not be conformed to its practice, and correspond with the law of England. The law should not direct one thing, and the Judge upon the bench another. He therefore asked the House to assimilate the law of Scotland in theory as well as in practice to that of England. He next begged to call the attention of the House to the state of the law with respect to capital punishment in our colonial possessions. In the first place, he would state that great variations existed with respect to the law. In St. Lucia, for example, the old French law of Louis XIV. was in force. He then found, according to the returns which he had obtained, that the crimes punishable capitally by the letter of the law were rape, arson, burglary, highway robbery, offences against the coin, sedition, and treason (as defined by the old French writers), embezzlement of stores and public money, and escape from prison. None of these crimes were capitally punishable in England; and they came under an obsolete French law, long ago abolished in France itself. In Ceylon and the Cape of Good Hope, the Dutch Roman law prevailed, and a vast number of crimes which had ceased to be capital in this country were still capital in that colony. In Ceylon he found that coining was a capital offence; so was sedition, aiding to escape from prison, arson, homicide, theft, the receipt of stolen property, robbery, forgery, rape, abduction. He was aware that a change in the law of Ceylon was proposed. He hoped it would be assimilated to the law of this country. In the colony of the Cape of Good Hope, it appeared that a code dated, principally, from the time of Charles V. (A.D. 1545) prevailed. He there found that the crimes capitally punishable were cattle stealing, theft (after a third conviction), forgery. all *crimen falsi*, coining, housebreaking, robbery, piracy, arson, riot, embezzlement. In Malta the principles of the Justinian code prevailed. There too, he was happy to say, a change in the law was proposed, and would, he hoped, soon be effected. But by the letter of the existing law, he found crimes capitally punishable were—duelling, thefts of any amount during the night, attended with personal violence, attempts to poison, grave injury with danger by a son or descendant, malicious discharge of fire-arms, peculation, and, lastly, the infraction of the quarantine laws, in certain cases. In other cases there were, among our colonies, discrepancies with the law of England. So far as the returns he had obtained enabled him to judge, the criminal law in fourteen of our colonies corresponded with the law of England; in three it was partly assimilated to that law; in nine it was much more severe. It was urged that a more stringent law was necessary in convict colonies like Bermuda and Van Diemen's Land; and this he did not mean entirely to deny, though capital punishment would not, ultimately, be found expedient even there. He admitted that, in all our colonies, there was a practical approach to conformity with the law of England. The Colonial Governors, indeed (in their answers to the returns), had generally recommended such conformity. In some of the colonies, the change he advocated was now going on. It was true that we now, most wisely and most justly, were leaving the government of our colonies to themselves. Still, even where self-government was beginning to prevail, public opinion expressed in England would have its moral and its material influence. It was for this that he called on the present occasion. In Scotland we could act; in the Colonies we could influence action. The proposition he submitted to the House was based on two principles: that the law of all parts of Great Britain and her dependencies should be, as nearly as possible, the same; and that the theory of the law should correspond with its administration. On these grounds he moved—

> "That it is expedient that the mitigations which have been made in the Laws inflicting Capital Punishment in England be extended to Scotland, and (as far as possible) to the Colonial Possessions of this Country."

MR. FOX MAULE regretted very much that on a question affecting the criminal jurisprudence of Scotland the right hon. and learned Lord-Advocate should be unavoidably absent; and he might state that nothing but the absolute necessity of that learned Lord being present at a meeting of the Supreme Court to go through certain forms necessary to his taking up his high appointment, prevented him being in his place, and answering the statements brought forward by the hon. Member for Dumfries (Mr. Ewart). To the proposition of the hon. Gentleman, he did not himself see any objection. It amounted simply to this, that in Scotland and the colonies, the laws inflicting capital punishment should be the same as in England. But he objected to the House of Commons committing itself to vague Resolutions of this description. If his hon. Friend (Mr. Ewart) had looked to the practice that had been pursued in Scotland, and the laws that had passed since Mr. Alison wrote his treatise, he would have found that the law of England and Scotland, on certain subjects, was exactly the same. By the 4th and 5th William IV. cap. 67, capital punishment was abolished in certain cases in Scotland as well as England; and by a subsequent Act, in the case of letter stealing in the Post Office, capital punishment was repealed in Scotland as well as in England. The common law of Scotland differed much from the common law of England, inasmuch as the Scottish Judges had the means, under the common law, of reaching many crimes that in England it required statutory enactments to punish. For example, the Lord Chief Justice of England had introduced a Bill in another place to punish robbery and other crimes committed by means of chloroform; but the Judges of Scotland, by the common law of that country, had the means of punishing crimes of that description without any enactment whatever. Besides, the Public Prosecutor in Scotland had the power of restricting the libel; and, so long as public opinion was in favour of restricting as much as possible the punishment of death, the hon. Gentleman might depend upon it that the practice in Scotland would be the same as in England. Then, as regarded the colonies, he did not think they were called upon to legislate in this way on their behalf. The colonists were themselves the best judges of what was suited to their respective cases, though at the same time he trusted that they would see it their duty to follow the example set them by the mother country as regarded capital punishment. To pass such a Resolution as the present, would be entirely discordant with the usual practice of the House as regarded the colonies, and therefore he hoped the hon. Gentleman would not press them to divide upon his Motion, especially when he considered the disposition ever shown by the Government to limit the infliction of capital punishment as far as they found it possible to do so.

Mr. HUME did not think the right hon. Gentleman (Mr. Fox Maule) had done justice to his (Mr. Hume's) hon. Friend the Member for Dumfries, who had introduced this Motion. He (Mr. Hume) could bear his testimony to the good effects which had arisen from the frequent agitation of this question in Parliament. Capital punishment had been remitted with respect to many crimes, the recurrence of which, it was at one time contended, could only be prevented by the retention of that mode of punishment. But, notwithstanding—if not in consequence of—that remission, those crimes had reduced in number. The crimes of sheep-stealing and many others once capital had all been reduced in number since the capital punishment was taken away. It, therefore, became necessary that they should have a similar system extended to every part of the British dominions. He should like to see that which was practically done in Scotland done by the law. Then, with regard to the colonies, he was unwilling to interfere in these colonies where a system of self-government prevailed; but where that was not so, it was the duty of the House to endeavour to assimilate the law. A short time ago five men were executed in the island of Ceylon. That act was deprecated by the whole colony, and yet the law was imperative. He hoped the right hon. Secretary of State for the Home Department, with whom questions of punishment and justice more immediately resided, would give this subject his early attention, with a view to the assimilation in the law contemplated by his hon. Friend (Mr. Ewart).

Mr. HAWES said, with regard to Scotland, all had been said that was necessary to be said on that subject by his right hon. Friend (Mr. Fox Maule); and he (Mr. Hawes) must say that his hon. Friend the Member for Dumfries (Mr. Ewart) ought to have introduced a Bill, and not to have proceeded by way of Resolution, because the Imperial Parliament was the place in which the law was to be altered, if anywhere. In regard to the colonies, he freely admitted that the discussion of the question might do good. The only question for the House to consider was, whether the mode proposed by his hon. Friend (Mr. Ewart) was that which it was desirable to adopt. There was only one of two ways by which the end of his hon. Friend could be attained, and that was either by the direct influence of laws to be passed in the colonies where there were representative institutions, or, in case of the Crown colonies, by directing laws to be introduced. At the same time, he thought the wisest course was to leave the colonies to follow entirely what their own sense of right and expediency pointed out. Already in eighteen of the colonies the criminal law was the same as in England. The colonies might be divided on this subject into three classes. There were some of the smaller North American and West Indian colonies which were behind the legislation of the mother country; there was another class that might be called conquered colonies, in some of which, as at the Cape of Good Hope, the Roman Dutch law existed with very severe penalties; and then there were the penal colonies, where very stringent laws were absolutely necessary. Now, with regard to the North American and some of the West Indian colonies, where legislation rather lagged behind the spirit of the age, he must say that, though the law differed from that of the mother country, the practice was the same. At the Cape of Good Hope, though the law was different, the practice was also the same as in this country. In such circumstances, he thought it was better to leave those colonies alone, and not attempt to enforce upon them imperial legislation, especially as successive Colonial Secretaries had recommended an assimilation of the law in this matter to that of England. In the case of the penal colonies, the hon. Gentleman himself admitted that it might not be proper to change the law as regarded capital punishments. He need hardly say that it was the wish of his noble Friend the Colonial Secretary, and, indeed, of all the Members of the Government, to see the criminal law mitigated as much as possible in the colonies; and he hoped his hon. Friend would see the expediency of not pressing the House to a division, which would not further the object he had in view, and that by withdrawing the Motion, he would save him the necessity of meeting it with a direct negative.

Sir GEORGE GREY wished to say one word, in consequence of what had fallen from the hon. Member for Montrose (Mr. Hume), as to his turning his attention to this subject. He quite agreed in the spirit of this Resolution so far as it related to Scotland; and the best assurance he could give the hon. Member that he would turn his attention to it was, that he had already been in communication with the late Lord Advocate on the subject. He would also enter into communication with the present Lord Advocate, who, he had no doubt, would direct his attention as promptly to it as his predecessor had done, with a view to the assimilation of the law.

Mr. EWART would not press his Motion, after the assurance which had been given him by his right hon. Friend (Sir George Grey).

Motion, by leave, *withdrawn.*

EDUCATION.

Mr. W. J. FOX begged to move a Resolution for the establishment of free schools for secular instruction. The language recently used by a noble Lord in another place indicated that there was an approximation towards each other of the classes who had held different opinions on the subject of education, and that those classes endeavoured to realise a more extensive and general education for the people of this country. "I feel," said the noble Lord, "that this is the time for such efforts to be made." That was some concession to the principles for which he (Mr. Fox) had contended; and it showed that the proposition he had to introduce was not in its object ill-timed. He did not infer from that language that the particular proposition which he had now to make would be honoured by the support of that noble Lord; but he thought he was entitled to expect this much, that it would not be met by any obstructive course on the part of the Government. The noble Lord had given them assurances which led to the belief that he was prepared to introduce some measure on the subject, or that he would look as favourably as possible on the efforts of others, and give them the aid and concurrence of Government; and, if such was the result of his present Motion, it would be, not all he (Mr. Fox) could desire, but all, perhaps, that he could expect. There were many circumstances at the present moment which made us feel uncomfortable with respect to the position of the country on the subject of education. There were few points on which an Englishman was not well justified in feeling proud of his country. Its enduring and liberal institutions commanded the respect both of the Conservative and Democratic parties in other countries. Its military and naval fame elicited admiration. The genius of its literature commanded the homage of genius in other countries. In the great national competition of artistical and industrial display, we had every reason to rejoice in the rank which this country took. There was every occasion for honest self-gratulation until we came to that one point of education. The word "education" called up a blush for this country, not merely that we were so far behind the new world, but that we were also behind the old one. It was not whether we stood first in the means and appliances of human education, but whether we stood ninth, tenth, twelfth, or in some more inferior and humiliating position. That was a state of things not creditable to the country or to the Legislature. There was in the very heart of society a growing evil that must be grappled with. Look to crime and pauperism increasing day by day, and likely to be prolonged — evils which defied our police, our philanthropy, and our religious institutions. He did not mean to pretend that education would cure all social evils. His reliance on it was that it would prove of a preventive rather than of a reformatory character; but there were other circumstances which showed its importance in a different point of view. It had been reckoned that the pauperism of Liverpool alone had burdened the town to the extent of 700,000*l.* per annum in expenses consequent on the apprehension and punishment of criminals. In an interesting report by Mr. Neale, chief constable of Salford, it was stated the punishment of offenders in Manchester and Salford had cost as much as would have been sufficient to educate the entire population of the borough. The annual report of the Preston gaol chaplain referred to one instance of a family of thieves, fifteen in number, who, after an average of 6½ years each of successful depredation, had cost the country not less than 26,000*l.* If it were merely a matter of police, the question of education should be regarded as an instrument of the greatest importance. In the present condition of our population we had evidence that when they were thrown out of work in any particular branch of labour they sank into pauperism, owing to the want of education, and that there was a superfluity of unskilled labour and a deficiency of skilled labour, an anomaly which the extension of education could alone remove. What could prevent the working classes from engaging in those vain strikes which ended, in 99 cases out of a 100, in leaving them in a worse condition than before; what could keep them from habits of improvidence and waste, but some knowledge of the succession of events in life, such as education could supply? And then the fair construction of our constitution required education to be diffused among the people; they were called on to exercise the elective franchise, to serve on juries—it was to the public that appeals were made on great questions of policy; and was it just, that when such were the requirements of Government, more should not be done to supply the people with the requisite qualifications to discharge the important functions which devolved on them? It was not as a measure of compassion for the poor and wretched, but as an act of justice to the national character and to the people, that he called on Government and the Legislature to afford better resources than yet existed for universal instruction. The system of voluntary contributions was in a state of demonstrated inefficiency. His case in support of that assertion rested on the testimony of the Government inspectors themselves, and he was perfectly content to abide by their evidence. These gentlemen declared education could not be sustained, even in its present position, unless recourse was had to an educational rate. The Rev. Mr. Watkins, in his report, stated—

> "I am continually appealed to—'What is to be done?' I can offer no suggestion; I can give no advice. But my conviction is this, that such schools must be given up, unless one of two things take place: either that they be aided by your Lordships' Committee to an extent and in a form hitherto unrecognised, that is, as 'supported schools;' or that a rate, compulsory if not voluntary, be levied for their support on the owners or tenants of houses and lands, the possessors of factories and other large works in the parishes where they are severally situated. On glancing at my list of schools, I can count up thirty-eight in Yorkshire only (i. e., nearly one-fifth of the whole number on the list) which are thus hovering between life and death, or which are already extinct as daily schools."

Mr. Kennedy, in his able report from the North-Western district, said—

> "I see no way to bring about this vital measure except by large special assistance from the Committee of Council, derived from the Parliamentary grant for education, or from an educational rate. The voluntary system has done a vast deal, but it has nearly, if not quite, run to the end of its tether. And if I were to sum up in one sentence the result of my experience during the last twelve years, which I have chiefly devoted to education, as a parochial clergyman, as secretary of the National Society, and one of Her Majesty's inspectors of schools, I should say that the problem which statesmen have to solve in England is, how to continue to have schools managed and supported pretty nearly as they now are, but at the same time to have their grievous wants and deficiencies supplied by large public aid derived from a Parliamentary grant, or, still better, from a rate for education."

In the present year the inspectors used still stronger language. One rev. gentleman said, "Some measure must be devised for the extension of the system of education." The Rev. Mr. Kennedy repeated his opinion, and went on to observe—

> "Men's minds seem more prepared than I ever

> remember before—nay, even anxious—for some great development of the present meagre and tantalising state of popular education. It is felt that very much effort is made for a small result. The clergy make great sacrifices of money and time, and, what is more, enact the harassing and humiliating part of 'mendicant friars' (to use the expression of a vicar of a large parish in Lancashire), in order to keep schools alive; and the higher and middle classes are annoyed by constant demands upon their purse in aid of schools about whose efficiency and permanency they entertain doubts. In short, school managers and other promoters of education begin to feel that theirs is a *strenua inertia*: much work and little result. They regard the present system as a stopgap. All this has, I think, led in some places to a temporary lull in the active promotion of the present machinery of education; while men's eyes are cast about to discover a system of maintaining schools which shall be at once efficient and sound, vigorous and permanent. Everything seems to point to a rate for education."

There they had not only the case, but the peculiar remedy stated by the agents of Government; not, it must be recollected, from an inspection of particular schools, but from a general survey of the state of education, and from an examination of the best classes of schools seen in their best condition. Nor had they occasion, indeed, to look any further on this point than the fact that the schools in actual existence were at least twice as large as the number of pupils required. In the general return of schools receiving Government grants for building amounting to 2,582*l.*, and receiving 454,710*l.* 17*s.* 3*d.*, it was stated that accommodation was provided for 549,493 pupils, while the average daily attendance on 1,762 ascertained instances was only 196,041. The mode in which the system of education was carried on, was another cause of inefficiency. Nothing could be further from his thought than to accuse the Committee of Education of wilful partiality; with intentional partiality he did not charge them; but he believed there was a partiality inherent in the system which induced the public to withhold a hearty co-operation with it. The British and Foreign School Society, and the Church School Society, were both institutions half a century old. The former had rendered great and extensive good to the country; but how stood the grants of public money made to it, as compared with those made to the Church Society? In 1840 the Government grant for education was 60,000*l.*, and then it was nearly equally divided between these societies. The Church Society upon that occasion received 5,246*l.*, the British and Foreign Society 4,420*l.* The next year, the grant was increased, and the Church Society received accordingly 13,197*l.*, while 10,945*l.* was all that was received by the British and Foreign Society. In 1849, the grant was still further extended, and the Church Society received 39,574*l.*, while the British and Foreign Society only received 3,350*l.* Up to August last the public money applied to Church Schools was 24,720*l.*, and the British and Foreign Society only received the sum of 386*l.*; this was chiefly in connexion with the grants for building; by the summary of the entire distribution, it appeared that the Church schools had received 404,622*l.* 8*s.* 8*d.*, and the British and Foreign only 50,672*l.* 15*s.* 11¼*d.* He believed this disparity might very much be traced to the religious feelings which had arisen in the country, but it did not represent the relative labour and usefulness of these two bodies. The present system necessarily produced partiality in another way. Out of the whole number of inspectors there were only three who did not belong to the single profession of clergymen of the Established Church; and in these three cases the exceptions were inevitable, because one inspector was required for the Roman Catholics, another for the British and Foreign Schools, and a third for the Wesleyans. But there were men in the country who understood the theory of education as a science, and the practice of it as an art; and the country in vain looked to the Government to call them in, thinking that it was by no means the best means of securing good education to place it in the hands of the Church. Another appearance of partiality sprung from the provisions and restrictions laid down in the Minute of the Privy Council. The Government grant gave least help where most was wanted. It was doled out, not in proportion to the educational requirements of the locality, but according to the amount of subscriptions which had been received. There was another partiality which had a ruinous tendency—the poor ratepayers in a rural district could not look on with much complacency when they found themselves rated to give to pauper children in the workhouse an education they could not give to their own — a discrepancy which was pointed out some time ago by the Poor Law Commissioners. In the Third Annual Report for 1850 they said—

> "There are workhouses, like that of the Atcham union, in which the children receive an education

> beyond all comparison better than is within the reach of the children of labourers in any part of the country. In the girls' school of Ludlow union, children now receive an education in all respects superior to what the humbler ratepayers are able to purchase for their children. This high standard of workhouse education is fast ceasing to be exceptional."

But the worst result of all was the inequality with which the support of schools pressed on different classes, and more especially on the country rectors. In one of the reports the evil had been pointed out in a practical manner:—

> "The lord of the manor and principal landholder, 3*l.* 3*s.*; the rector, 17*l.* 10*s.* 4*d.*, the rector's lady, 1*l.* 1*s.*; a friend of the rector, 5*l.*; a farmer and landholder, 5*s.*; ditto, 5*s.*; ditto, 5*s.*; ditto, 5*s.*; ditto, 5*s.*; ditto, 10*s.*; ditto, 5*s.*—Total, 28*l.* 14*s.* 4*d.*"
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> "The following paragraph from ——, addressed to me by a zealous clergyman in my district, details, in a few words, the experience of almost every one who in a rural parish undertakes to establish a school:—'I have had to make great sacrifices of time and money to provide a school at all; and, after I had raised the building, I found nobody in the parish, or out of it, to assist me in supporting the school expense. Neither owners or occupiers of land contribute a farthing. A coal merchant and a land agent are the only subscribers of a pound a-piece, and every other expense falls on me.' I have often borne testimony in my reports to your Lordships to the fact, that when a school is maintained in an agricultural parish, it is generally by an act of great pecuniary self-sacrifice on the part of the clergyman, made often in diminution of a very limited income, and with the sense of a divided responsibility. Whoever looks at the question in a practical point of view will see that the education of the country cannot be provided for generally, in parish after parish, over the whole surface of the country, and year after year, in this manner. We have no right to calculate upon acts of self-sacrifice being multiplied, by which the clergy have in some instances subjected themselves to personal liabilities which they are unable to meet, and by which in others they have been greatly straitened."

Surely that showed the necessity of an intervention of Government to lay a rate on the towns, according to their means, and on those who would assuredly feel the benefit of it at some future time. The present system offered a stern denial to every proposition for secular education, but gave support to every kind of religious teaching. It seemed as though there was something evil in knowledge, which required to be counteracted by even bad theology; that history was not to be studied unless it was accompanied by heresy; and that decimal fractions were fatal to the soul if they were not mingled with that which some called idolatry. The Scriptures became sectarian in the hands of sectarian teachers. The British and Foreign Schools had a creed of their own, as much as the National schools. Would Protestants pay for schools in which, as they were told, the image of the Madonna was fixed, that the children might worship it as they entered? He mentioned this merely to ask where was the propriety of calling upon Protestants to pay for such a system? One of the school catechisms spoke of the Puritans as men who murdered their Sovereign and starved the clergy. Were Dissenters to pay for such things as that? The result of the whole system was, that every man had to pay for something he did not believe; and in his turn became a cause of taxation to others for something he believed and they did not believe. When he proposed an educational rate, he trusted that the House would not deem that he invited them to an expense which an empire ought to grudge. According to the best calculations, founded on estimates made for the county of Lancaster, a rate of 5*d.* in the pound would be sufficient to erect schools for all the children in the country; and, instead of having in each district different schools for the different classes of children, the question might turn upon the point of making the schools so good that the education of one class should be the probation for another. The country was paying as much now for the imperfect education it afforded as would be required for a complete system of national education, while the struggling ratepayers with large families would be greatly benefited by the change. The experience of America on the subject of education was extensive, and that indicated the great advantage, both in a pecuniary and intellectual view, of a graduated system of schools in each district. A few years ago, a valuable report was published by Mr. Henry Barnard, commissioner of schools in Rhode Island, who indicated the advantage arising from such an arrangement in the localities where it had been adopted:—

> "Hallowell (Maine).—While this system proffers to all our children advantages equal to those enjoyed in the best academies, it has diminished the expenditure, including both public and private instruction, in this place about 600 dollars or 700 dollars, being about 25 per cent per annum. And whereas, before the adoption of this system, the wealthy and elevated classes would scarcely intrust their children to the public schools, now the children of all classes mingle on terms of reciprocal cordiality and kindness.
>
> "Nantucket (Massachusetts). — The whole amount of money expended for schools has been

much diminished by the substitution of a public for private schools, and the teaching has been much more thorough in the former than it was in the latter, as the temptation is not so strong with the teacher of the public school to force children forward in order to please parents and fill up his school. The whole community seem to be aware of this.

"New Orleans.—They (report of the commission) entertain no doubt that the pecuniary benefit derived by the taxable citizens from our public schools far exceeds their cost.

"Bangor (Maine).—As to expense, our present system costs, I presume, not one-half of the old."

The Resolution which he was about to submit to the House asserted the necessity of local taxation and local administration for the purposes of education. Local administration would afford facilities for preventing the evils which some anticipated from a sudden change of system. The noble Lord at the head of the Government had denounced a system which he conceived to be opposed to religious training. The plan which he (Mr. W. J. Fox) advocated involved the separation of secular from religious education; but separation and annihilation were very different things. There could be no proper education which did not comprise religious instruction; but the schoolmaster's province was to prepare the mind for religious training, to which it would subsequently be subjected by the minister of the chapel, the clergyman of the parish, or the parish priest. Under the present system the religious principle failed in producing the moral effect which ought to attend it, and the reason of this was, that an intellectual atmosphere was wanting. The advocates of secular instruction were doing more to promote religious education than those who, under the present system, were satisfied with the mere appearance of religious teaching. Without separating secular from religious education, there was no chance of combined efforts. Then, look at the effect of the present system. Was it wholesome that men from their earliest youth should be trained up within the lines of sectarian demarcation? On the other hand, was it not probable that, if men could refer to their schoolboy associations with persons of different creeds, they would be induced in after life to regard with more charitable feelings those who differed from them on religious questions? It was impossible that secular and religious instruction could at one and the same time flow from the mind of the teacher to the mind of the pupil. What affinity was there between the Athanasian Creed and the multiplication table? Secular education and religious education were treated as distinct even under the existing system, for one of the Minutes of the Council of Education instructed the inspectors to report upon secular education only. It was evident, then, that the distinction was recognised now. Religious education was, to a certain extent, already provided for by the voluntary principle, both in the Established Church and among Dissenting bodies. Perhaps he ought not to use the phrase "voluntary principle" in connexion with the Establishment; for it was the bounden duty of clergymen of the Established Church to attend to the religious instruction as well of adults as of the young in their respective parishes. The 59th canon in the *Constitutions and Canons Ecclesiastical*, agreed upon by the clergy of the province of Canterbury in the Synod begun at London in 1603, provided, that—

"Every parson, vicar, or curate, upon every Sunday and holyday, before evening prayer, shall, for half an hour or more, examine and instruct the youth and ignorant persons in his parish in the Ten Commandments, the articles of the Belief, and in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer. And all fathers, mothers, masters and mistresses shall cause their children, servants and apprentices, who have not learned the catechism, to come to the church at the time appointed, obediently to hear, and to be ordered by the minister, until they have learned the same. And if any minister neglect his duty herein, let him be sharply reproved upon the first complaint, and true notice thereof be given to the bishop or ordinary of the place. If, after submitting himself, he shall willingly offend therein again, let him be suspended; if so the third time, there being little hope that he will be therein reformed, then excommunicated, and so remain until he will be reformed. And, likewise, if any of the said fathers, mothers, masters or mistresses, children, servants, or apprentices, shall neglect their duties, as the one sort in not causing them to come, and the other in refusing to learn, as aforesaid, let them be suspended by their ordinaries (if they be not children) if they so persist, by the space of a month; then let them be excommunicated."

It was therefore the bounden duty of the minister to invite the young and all ages to attend for at least half an hour to religious instruction upon a Sunday. Let his work be well done, and it would be done sufficiently. He did not want to meddle with the ragged schools—those were for the outcasts of society, it had been said, and he was not disposed to meddle with them—but why should they not permit the ratepayer to choose what religion he would wish to have his children instructed in? As to the Sunday schools, a world of good had been done by them, and it was a consoling fact to him that numbers of the Sunday-school teachers had petitioned in favour of his Resolution. They said that their religious lessons would sink deeper in the breasts of their pupils when their minds were prepared to receive them. He was aware that a rival scheme to this had also been propounded in Manchester: the details of it were sufficiently before the public, and it was not necessary to enter into any elaborate statement of their points of difference. There was nothing new or unheard of in what he proposed, nor was it unsupported by high authority. About two years ago the Archbishop of Canterbury, in a charge delivered in the cathedral of St. Paul, made some observations on the subject of education, in which these expressions occurred:—

> "The Roman Catholics are prone to instil into the infant mind that the salvation or perdition of the soul depends upon the grace or blessing of the priest. It ought not to be more difficult for you to imbue a child with a knowledge of what he owes to God, to set Jesus Christ and Him as the ground of his hope and acceptance, that he may be, not in name and word, but in truth and sincerity, a faithful soldier and servant of Christ in the warfare that lies before him. He will not learn these important truths from the master of the school. However valuable masters of schools may be in other respects, we seldom find them possessed of the ability to communicate real religion. The language of Scripture may be lodged in the memory indeed, but the doctrines which lead to practical godliness must be inculcated by those whose office it is to expound the Scriptures. The literary character of the school will depend on the master, but the religious character of the school must depend on the clergyman."

It would be found that in some of our public schools the separation of secular and religious education was practically complete. In Eton and Westminster schools the religious lessons bore to other lessons the proportion of one to thirteen. A similar proportion was maintained in the Royal Naval School, which was under high patronage. There was also a plan for the studies of teachers drawn up by one of the inspectors, in which religious instruction stood separate from secular education—a certain number of hours being appropriated to the former, and a certain number to the latter, just as would be done in the schools which he proposed to establish. In fact, it was done everywhere in the higher class of schools. It was only when education was to be given to the poor, when it was to be administered as a sort of charity, that religion was inculcated, not for the sake of its own benignant influences, but for the sake of keeping them in order and tranquillity; and then it was that such a preponderance was given to theology. The noble Lord, in the speech to which he had already alluded, attached great importance to the daily reading of the Scriptures; but he (Mr. W. J. Fox) questioned whether this was really the way to promote a reverence for the doctrines taught in that book. Dr. Hook, of Leeds, whose character stood deservedly high, saw this, and in his own pointed way complained that religion did not consist in dogs'-earing the Bible; and, looking to the higher objects for which it was given, he could not avoid being impressed with the fact that Providence never intended the Bible for a schoolbook. It could hardly be contended that this reading of the Bible in schools would produce a religious impression on the minds of ignorant children. How did it operate with adults? On this point there was a remarkable passage in a speech delivered in that House eighty years ago, namely, in February, 1772, by a man whose philosophy was as profound as his eloquence was brilliant, and whose piety was unquestionable—Edmund Burke. In the debate on the Clerical Petition for relief from subscription, Mr. Burke said—

> "The Scripture is no one summary of doctrines regularly digested, in which a man could not mistake his way; it is a most venerable, but most multifarious collection of the records of the Divine economy; a collection of an infinite variety of cosmogony, theology, history, prophecy, psalmody, morality, apologue, allegory, legislation, ethics, carried through different books, by different authors, at different ages, for different ends and purposes. It is necessary to sort out what is intended for example, what only as narrative, what to be understood literally, what figuratively, where one precept is to be controlled and modified by another, what is used directly, and what only as an argument *ad hominem*, what is temporary, and what of perpetual obligation, what appropriated to one state and to one set of men, and what the general duty of all Christians. If we do not get some security for this, we not only permit, but we actually pay for, all the dangerous fanaticism which can be produced to corrupt our people, and to derange the public worship of the country. We owe the best we can (not infallibility, but prudence) to the subject—first sound doctrine, then ability to use it." [*Parl. History*, xvii. 285.]

If this were a valid argument in the way in which Mr. Burke applied it, with reference to Christian ministers, how much more true must it be with respect to the comparatively unimproved minds of schoolmasters and children! It had always been contended that education operated as a barrier against crime; but circumstances showed that as it was conducted in this country it was not as efficient a barrier in that respect as had been supposed. The criminal tables showed that for nine consecutive years, namely, from 1839 to 1848 inclusive, there had been an increased per centage of criminality among the imperfectly educated. The tables, however, attested the value of sound instruction by a constantly diminishing ratio; while they also showed a constantly diminishing ratio in those who were not taught at all. In the period he had mentioned, the number of committals among those who were unable to read and write, had decreased from 33.53 per cent, to 31.93 per cent. In the class which could read and write imperfectly, there had been an increase from 53.48 to 56.38 per cent; and in the well-educated class there had been a decrease from 10.07 per cent, to 9.83 per cent. In Ireland, where the separation of secular from religious education prevailed to a considerable extent in the national schools, as well as a larger mixture of children of different sects—a system by which the faculties were better developed—the criminal tables presented results the reverse of those furnished in England. The committals in Ireland from 1839 to 1848, in the class who could read and write, had decreased from 26.37 per cent, to 17.66 per cent; in the class who could read only, they had decreased from 13.11 per cent, to 10.75 per cent; while, in the class which could neither read nor write, they had increased from 31.72 per cent, to 43 per cent. Mr. Kennedy, inspector of Sunday schools in Lancashire, had made some observations which merited the attention of the House. He said—

> "Sunday schools of Lancashire are remarkable. I believe that in no other county, not even in Yorkshire, are they so numerously attended, or inspire so much interest. Nearly every church, in a town at least, has its contingent of Sunday scholars, numbering from about 500 to 1,000 persons of both sexes. This is the principal arena on which the clergy meet their poorer parishioners; and a useful arena it is, in spite of its shortcomings and defects. These schools are doing the work of, and therefore superseding, the old plan of catechising in church in an afternoon. And I believe that such religious knowledge as is to be found among the Lancashire poor is mainly imparted in these schools. They commonly open and conclude with prayer; and when one school-room is over another, it is customary, in this county, for the upper room to have a large trapdoor opening into the lower room, in order that the persons in both rooms may join together in their devotions. The actual work that is done in the Sunday schools is sometimes judicious; at other times it consists too much, perhaps, of repetition by rote of a hymn or a collect, or the catechism, or of reading, without explanation, some little understood epistle of St. Paul. The grand difficulty is, I believe, to get really competent and judicious teachers. There is much zeal in them, but very often without adequate knowledge. Some curious statistical information about the number of prisoners who have been scholars in Sunday schools has been collected by a circular to the gaol chaplains. From this it would appear that 63 per cent of the prisoners had attended Sunday schools, and 50 per cent for not less than three years. A circular to the matrons of penitentiaries elicited the fact that 75 per cent of the inmates had been scholars of Sunday schools. I am not sure that these facts, if correct, prove anything against Sunday schools. A majority of the population (at least in Lancashire) attend Sunday schools during some portion of their life, and if they commit crime it is in spite of the Sunday school, not by reason of it. Moreover, it must be remembered, that these schools are necessarily places for giving religious knowledge, much more than for imparting moral training: the training must ever, I think, be the work of the week-day school, and of the home. And it is training—the formation of good habits—which is the great preventive of crime; no mere knowledge, however important, is sufficient without such habits."

He did not adduce these facts as showing anything beyond this—that the Sunday school instruction needed some other kind of instruction along with it to render it more efficient. He would now leave the House to form their own judgment upon the evidence which he had adduced before them, and by which he had attempted to show that the system now pursued was not adapted to meet the emergencies of the case—that, defective as it was in principle, it was not capable of extension as fast as the necessities of the country required; so that, if not upon the ground of preference, yet from the necessities of the case, they must fall back upon some such proposition as that which he had introduced to the House. A conviction to that effect was spreading throughout the country, and especially among those whose co-operation was essential to the success of any plan of national education. The Resolution he was about to move had the advantage of the express concurrence, to a large extent, of the working classes. These were the schools which they desired. These were the schools they would have. A number of them were already established in London under the name of Birkbeck schools, in which the education was of an order that had elicited the commendation of Mr. Moseley. Nor were these schools confined to the metropolis; on the contrary, Mr. Morell, one of the inspectors of the British and Foreign School Society, bore testimony to the progress they were making in the northern districts. It now only remained for him to thank the House for the patience with which it had heard him, and to add, that the present was peculiarly the time for efforts to advance the cause of education. Amid the conflict of political parties, amid the collision of rival churches, amid the strife of sects and the hostility of different classes, amid the clashing of various systems of policy, whether commercial or institutional, and amid the influence and competition of nations, brilliantly developing their industrial and artistical energies, nothing better could become the Legislature than to employ itself in building up the fabric of national greatness and prosperity upon the only foundation on which national greatness and prosperity could permanently rest—namely, the broad basis of national intelligence.

Motion made, and Question put—

> "That it is expedient to promote the Education of the People, in England and Wales, by the establishment of Free Schools for secular instruction, to be supported by local rates, and managed by Committees, elected specially for that purpose by the ratepayers."

Sir GEORGE GREY said, that although he could not assent to the Resolution in the terms in which it was framed, he could assure the hon. Member (Mr. W. J. Fox), on the part of the Government, that he would be met in no spirit of unfair opposition in any attempt he might make to extend the means of sound and useful education to the children of the great body of the people of this kingdom, or to draw closer together the members of the different religious denominations into which society was divided. He was not prepared to deny that great deficiencies existed in the present system of education, or that there was a want of means to bring that system, defective as it was, into operation generally throughout the country. Having made that admission, he must nevertheless remark that, of late years, a great increase had taken place in the means of educating the labouring classes throughout the country. In saying this he did not refer merely to the increase in the actual number of schools, but to the improved qualifications of teachers, and the improved character of the education. What they were now asked to do was, to assent to a Resolution that it was expedient to promote the education of the people in England and Wales by the establishment of free schools for exclusively secular instruction, to be supported by local rates, and managed by committees elected specially for that purpose by the ratepayers. Now, so far as that proposition implied an opinion that it was desirable that local rates should be raised to supply the existing deficiencies in education, he did not differ from the hon. Gentleman, for he thought that no reasonable distinction could be drawn between the raising of local rates for the purpose of education, and the application of a portion of the general taxation of the country, which was now appropriated for the same purpose under the sanction of Parliament. He further concurred with the hon. Gentleman in thinking that great advantages would be derived from local management, if, concurrently with this, there was established an efficient system of inspection of schools. He might, however, hesitate before adopting a Resolution that it was expedient to enforce over the whole country a uniform system of levying rates for this purpose, because the circumstances in different part of the country were infinitely diversified; and he doubted, therefore, whether the system could be applied universally, though he thought it would be easy to allow the inhabitants of different districts the exercise of an option in this respect. They had several precedents for such a course of proceeding. An Act had already been passed to allow portions of the local rates to be applied, at the option of the ratepayers, in the erection of baths and washhouses; and there was now a Bill before the House which had been introduced by the noble Lord the Member for Bath, giving the ratepayers the option of expending a portion of the local rates on the improvement of the dwellings of the poor; and he saw no good reason for not applying the same principle to education. But everything must depend on the character of the education to be given. Upon this point he felt the same insuperable objection to the hon. Member's Resolution as he had to the principle of his Bill of last Session, which was rejected on the second reading by a large majority, because it was founded on the principle that the aid to be granted from local rates should be limited to schools in which secular instruction alone was given. The adoption of that regulation would, if it did not supersede, necessarily operate to the disadvantage of other schools, because in the schools proposed to be established under the hon. Member's scheme, education was to be free. The hon. Gentleman had stated the strong difficulties which existed in the existing system, and the objections which were urged by many persons to grants being made to schools, which, while professing to give religious instruction, gave it of a character of which certain parties did not approve. But if these objections were taken to the present system, he (Sir George Grey) did not see that they would be got rid of by substituting grants, whether from the public revenue or from local rates, applicable to schools from which all religion was excluded; for if there was one thing upon which the opinion of the country had been clearly and distinctly expressed, it was this, that education should be based upon religion; that, instead of excluding that which was the most essential object of education, they ought to take especial care to see that all education included the instilling of religious principles, based upon the word of God, which was the only security for the discharge of those duties which man owed to his fellow-man, and still more for the discharge of his duty to God. The hon. Gentleman had asked, "What had the multiplication table to do with the Athanasian Creed?" True; but there were other parts of the system of education necessarily pursued in the elementary schools, where the children of the poorer classes received all the education they received anywhere, into which religion must enter. It ought to be borne in mind that the distinction between such schools as the hon. Gentleman spoke of, and such institutions as the London University, mechanics' institutes, and the like, was this, that these latter places were not institutions in which the whole education of the persons frequenting them was comprised; that, on the contrary, they were institutions for the express purpose of affording special instruction in special branches of knowledge or science; and that those who attended those institutions were persons who had the means of receiving religious instruction in their earlier years from other sources; whereas the schools frequented by the children of the lower orders were schools which afforded them the only education they were ever likely to receive. The hon. Gentleman had read one of the canons of the Church with respect to the duty of the clergy to administer catechetical instruction to the children of their respective parishes; and had said that, if this duty was properly performed, it would amply supply the present defect of religious instruction. But he seemed to forget that there was no power of compelling the children to attend the catechetical instruction of the clergy. It ought never to be forgotten that in dealing with this question the House was dealing with schools for conveying to the children of the poor all the instruction they were ever likely to receive during their earlier years, and that from these schools the hon. Gentleman would have them to except the reading of the word of God, and all religious instruction whatever. Now, against this principle, which was involved in the hon. Gentleman's Bill of last year, the House had pronounced a decided opinion; and the repetition of the proposal on this occasion must meet with the same opposition from the Government as the proposal of last year had met. The hon. Gentleman would exclude from any share of the money proposed to be raised by a local rate, every school in which religion was taught as a part of education. He had referred in a tone of commendation to the result of the Irish national system of education; and yet by the terms of his Resolution those schools would all be excluded from the system he proposed. He had spoken of high authorities in his favour, and quoted the opinion of Dr. Hook, whose opinion was certainly entitled to great weight; for no man had paid more attention to the subject, or had more earnestly exerted himself to promote the cause of education. The hon. Gentleman said that Dr. Hook had denounced the system of dogs'-earing the Scriptures; and no doubt the rev. gentleman might have said that the Bible ought not to be made a text book—not a mechanical part of instruction; but he apprehended that Dr. Hook had never expressed any opinion against the reading of a chapter of the Bible to the scholars, for he believed that the communication of religious instruction to the scholars Dr. Hook would be the last man to undervalue. He (Sir George Grey) confessed he entertained great doubt whether a scheme of purely secular education was at all possible. He doubted whether schoolmasters and schoolmistresses who really entertained a proper sense of the responsibilities involved in the right discharge of their important duties, could avoid conveying religious instruction to the children placed under their care; and hence the effect of such a system as that now proposed would be to exclude from the schools a large class of schoolmasters and schoolmistresses who had been trained in a different system, and who had been led to look to the inculcation of sound religious principles as the most important part of the duties they had to discharge. The hon. Gentleman assumed that they must either adopt his plan, or abandon all hope of the improvement of the present system of education, because it was impossible upon any other basis to have a common and mixed system in which the young of all religious sects could be educated together; and he had adverted to the rival plan of the Manchester Association as having proved an entire failure. Now, he (Sir George Grey) must say that in his opinion the Manchester plan did hold out some hope of a settlement of this difficult question, and that the country was not reduced to the alternative which the hon. Gentleman had supposed. Mr. Entwistle, the Chairman of that Association, who had formerly represented South Lancashire, had called upon him some time ago, with some other gentlemen, taking an active part in that scheme, and, in the anticipation that this subject would be revived during the present Session, had stated to him that the Association were anxious that the House should be informed that they were engaged, and he believed successfully engaged, in maturing a plan applicable to Manchester and Salford, and that they had already prepared a Bill which, being of the nature of a private Bill, could not be introduced this year, but which they hoped to be able to submit to Parliament next Session. Now, by that scheme it was proposed that the schools should be supported by a local rate; that existing schools where religion was taught in connexion with different religious denominations should be included; and that where schools of this kind did not exist, schools should be established, in which religion should be taught upon some general plan acceptable to the different religious denominations. Upon the Committee of the Association were the representatives of every religious denomination in Manchester and Salford; and although he regretted to say that since he saw Mr. Entwistle, some difficulty had arisen with regard to one denomination; that although objections had been started to the plan by two Roman Catholic priests, there were still Roman Catholic laymen members of the Committee, and strong hopes were entertained that the objections of the Roman Catholics would be ultimately removed. He understood that the Association still retained their intention to proceed with their Bill next Session, and that an attempt was making at Leeds to adopt a similar plan. Under these circumstances, he hoped the House would not assent to the Motion of the hon. Gentleman. He trusted that the subject might be brought before them under more favourable auspices, in connexion with the populous districts to which he had adverted, and, if found successful there, it might then be extended — if not universally throughout the country, owing to the impossibility of adapting it to some of the rural districts—yet throughout the populous districts of the country so as to augment the means of education by combining the different religious denominations in a common effort, which would be one of the greatest blessings that could be conferred upon the children of the poorer classes of the country.

Mr. HUME thought it would be well if the Government were to attempt that which the hon. Member for Oldham (Mr. W. J. Fox) had clearly pointed out as possible, namely, a system of education to include all classes. The right hon. Baronet (Sir G. Grey) said it was not possible; but was it not fair to argue its possibility from the example of the United States, where it had completely succeeded? In every State of the Union a system of education existed, independent of that point of general contention—religious opinion. He concurred in the opinion that it was the duty of the Legislature to prepare the minds of every class of the community for the performance of their duties to society, and that it was of as much importance to train the mind by early education as to feed the body by physical nutriment. He was equally of opinion that education ought to be provided through the property of the country, for those who could not afford it, as nourishment was provided for the destitute by the poor-rates. He believed if an equal amount of money was expended in education as was expended on pauperism and crime, and the consequent building of jails, it would be found to be economical in its results, besides improving the moral and religious condition of the population. The noble Lord at the head of Her Majesty's Government was understood to complain of the Roman Catholic priests not agreeing with the system of Education in Ireland, because the Roman Catholic religion was not its foundation. That was the objection made, and hence the designation of "the godless colleges." The right hon. Baronet (Sir George Grey) would not agree to any system of education which did not teach true religion. He (Mr. Hume) begged to ask, what true religion did he mean? There were twenty different sects in this country at least, who dissented as to what were the true principles of religion, and it was impossible to prevent their withdrawing themselves from the one established religion, whether Protestantism or Catholicism. They must then agree upon some such scheme or some such plan as was proposed at Manchester for meeting this difficulty. In the United States, where there were fifty houses, the proprietors were compelled by the law to keep open a school for six months in the year—where there were a hundred, for the whole twelve months. The Americans had agreed on a system of education, leaving out each distinct creed, but giving an opportunity for that moral training which would fit the young for the various duties which must necessarily fall upon every citizen. Let the example of the Americans be looked to, and what was it? The example of a Government performing its duty of bringing up and supporting a moral, religious, and instructed population. What were we doing? Quarrelling whether a boy or a girl should be brought up to this or that opinion, rather than agreeing in a moral training, which induced proper subservience to constituted authority, and prevented those ebullitions of passion, arising from ignorance, which led to criminality, and those frightful pictures of degradation which disgraced the English Government. In educating the people, as had been stated recently by the Archbishop of Canterbury, at St. Paul's Cathedral, there were two portions of that duty perfectly separate and distinct. It was the duty of the schoolmaster to prepare the child in the rudiments of instruction and moral training. It was the duty of the clergyman to instil the opinions which the parents thought fit. What did his hon. Friend (Mr. W. J. Fox) ask? Not to diminish or refuse, or to place religious instruction beyond the reach of children; on the contrary, to prepare their minds for its reception, to adopt means by which all classes may be instructed and none excluded. It was a benefit of the utmost importance, worthy the attention of the Government at any moment, but particularly now, when we were quarrelling with our distant colonies, for forcing on them the inmates of our gaols, the result of our own negligence. He did say it was a grave charge against this House that they did not look at the origin of the greatly-increasing amount of crime; and he considered it a reproach and a scandal, to which Government ought to direct their immediate attention. His hon. Friend (Mr. W. J. Fox) asked them to put an end to that reproach by adopting that clear example which the United States afforded. The States of New York and Massachusetts, and many others, had obtained a system of education which did not interfere with religious opinions. The inhabitants of every parish met, and raised the necessary funds by a general rate; every locality contributed its proportion. They did not quarrel about its application, and though they differed as much with regard to religious opinions as the people of England, he did not learn that they were less religious. Whether they professed as much he could not say, but he confessed he preferred acts to professions. The magistrates of Edinburgh had directed an inquiry into the condition of 500 individuals in the prison at one time, to ascertain where they came from, and by what means they had fallen under the punishment of the law; and it turned out by the report which they received that there were families who had for two, three, or four generations, at all times contributed one or two of its members to the number of prison inmates—that they were left in a state of ignorance little above the brutes, and therefore they preyed upon the property of their neighbours, instead of providing for their wants by their own industry. Trifles ought not to prevent an effort to diminish that class of crime, which must go on if ignorance continued. With that view a plan of education had been proposed in Manchester, which had given great satisfaction throughout the whole of Lancashire. It was the same as the plan in Massachusetts for general education, without compromising or interfering with the religious opinions of any man. He knew that many such schools had been established in England by an association of private individuals; but they could not be kept up, because many of the largest holders of property in the district would not contribute. If, then, the Government would pass a Bill giving powers for assessing all parties alike for the establishment of schools in every parish, he (Mr. Hume) had no doubt they would achieve the dedesirable sbject which his hon. Friend (Mr. W. J. Fox) had in view. Knowing the noble Lord at the head of the Government and his family to be warm supporters of education, he did hope the noble Lord would take the broad principle of affording education independent of any particular religious opinions.

Mr. A. B. HOPE could not allow the subject to pass off without a few words, feeling very strongly, as he did, the absolute necessity—as he had lately, on various occasions, stated—of giving the utmost development to the conscientious sentiments of all religious bodies, consistent with truth and order. He must, in pursuance of that feeling, most strongly oppose the Motion of the hon. Member for Oldham, as a measure more fraught with danger to that principle—more fraught with danger to all liberty of religious belief and action, than any other which could well be conceived or brought forward by any Gentleman holding the same views as the hon. Member for Oldham. Even could he agree to all the hon. Member's data, there were other reasons for opposing the Motion, beyond the supposing they could give a purely secular education. Secular education, supposing it to be possibility, might be a good or a bad thing, though no infringement or attack on religion. But purely secular education was a thing absolutely impossible by the immutable laws of nature. You must teach some religion, or the negation of religion, which, under the circumstances, was itself a species of religion. The hon. Member (Mr. W. J. Fox) said, what had the multiplication table to do with religion? Last Session he drew vivid pictures of the beauties of nature, and said what had they to do with a dogmatic religion? He (Mr. Hope) asked, how was it possible to teach a child the first rudiments—not to say of science, but of things as they were—a knowledge of things, and names of things, without teaching the child that those things had been created, or had not been created, or else, by silence, leaving him to the same inference of their not having had a Creator? At the least you must teach Deism or Atheism, and either, in one sense, was religion. Therefore, those schools must be seminaries of some sort of religious education. What would be the result? The institution of a system of compulsory education. That compulsory education would be administered by a set of schoolmasters acting under Government orders; they would teach a system of Deism side by side with the established religion of the country; and thus there would be another religious establishment, of an attenuated form, but still a religion. He appealed, therefore, to hon. Gentlemen whether, as he said in the beginning, anything could be more fraught with danger to religious toleration than such a system of compulsory education, from the meshes and religious accidents of which they could not escape? It was upon these grounds, besides many others, that he should on all occasions be found a decided opponent of a compulsory system of education, whether purely secular, or possessing, like the Manchester scheme, the adjunct of religion. He was one with the hon. Member for Montrose (Mr. Hume) in opinion, that it was the duty of Parliament to retrieve the country from the national sin of ignorance; but he could not understand upon what warrant of reason the hon. Gentleman could, upon this subject, go against his warmest convictions on all other matters. It showed a want of faith in that good old Anglo-Saxon decentralisation principle which had distinguished us from other countries. In commerce they were told free trade was a sound principle. Why then could not the hon. Gentleman trust competition in this one matter of education? Let them be consistent. Either abolish toleration, or give up compulsory education. To advocate toleration and to advocate compulsory education in some form of religion, was not consistent, and never would work. Let them force upon the Government the affording more education; let them force the Government to give grants, less impaired with obnoxious impediments and greater in amount, not only to the Church of England, but to Dissenters. Let them encourage every class of schools by rewards, and let them levy taxes for education, but let those taxes be applied in numerical relation to the different religious denominations, and then they would attain something like a national system of education. In the London University they had an aggregation of religious opinions, each college following out its own system of secular education, but at last sending their pupils to a joint examination at the central mother university, as to their proficiency for their different acquirements. A similar system might be applied to inferior education. By adopting such a system as that, they would avoid both the personal interference on religious matters, and that great, gigantic, crushing, illiberal, and intolerant system which he called a compulsory system of education.

Colonel THOMPSON said, there were many things upon which men agreed, but there was one upon which they could only agree to differ, and that was religion. Was there no possibility of carrying on the common object of education without the interposition of the subject upon which men seemed determined to quarrel? Was it not possible to set apart an hour or two hours a day for religious instruction, without mixing it up with the other lessons? We saw boys and girls learning writing, arithmetic, French, German, Italian, and many other things, without any difficulty arising out of the interposition of religion: where then was the precise point where it became necessary to explode all union by the introduction of this dangerous element? If all those things could be learned without introducing a religious quarrel, was there something about the art of reading alone which made it indispensable? It appeared to him that sensible men might do something to get rid of this difficulty. There was no want of establishments for the teaching of religion; everybody could point to numerous and most expensive ones; why then could not these do their duty by a simple division of labour and time, without insisting on doing it in the way that was to end in nothing being done at all? The different sects seemingly were not persuaded that they had a rational foundation for their creeds, and therefore they were all afraid of knowledge; but he felt, as a Protestant, that the conduct of our forefathers had been of a very different nature, and that the great advantage of Protestantism was in its appeal to rational argument and human knowledge. Let those who were afraid abstain from this appeal; but let those who had no fear take advantage of it.

Mr. TRELAWNY said, that the hon. Member for Maidstone had argued that there could be no education without some sort of religion, or some sort of negation of religion; but if by the operation of education they could prevent crime, why should they be precluded from using education to that end? Looking at the expenses incurred in the punishment of crime through the quarter-sessions, the convict system, and other modes, the higher classes were interested, if only in an economical point of view, in making some sacrifice to diminish, by means of education, the amount of crime. He did not quite understand the position occupied by the noble Lord at the head of the Government. The noble Lord came down to the House, and asked for such a miserable pittance for educational purposes that he seemed, by so doing, to be damning education rather than effecting any other object. If education was not worth anything, then let the noble Lord ask for no sum; but if it were a good thing, let him ask for a sum worthy of a great country. He was quite certain that the great masses of the people were with those who desired to spread the means of education, though there might be some selfish feeling against any such measures on the part of the middle and trading classes on account of the expense. They were going to extend the suffrage, and he was in favour of its extension, but that extension ought to be accompanied by a large and comprehensive system of education. He should give his warmest support to the Motion of the hon. Member for Oldham.

Mr. WILSON PATTEN would state the reasons why he felt most reluctantly compelled to vote against the Motion. He believed that throughout the country generally there was a great fear lest a step should be taken in the wrong direction, and that a system of education should be established not founded on religion. In the county he represented, efforts had been made in all directions and on different principles to promote education; and those schools in Lancashire had succeeded the best which combined with their instruction a system of religion. The plan of education alluded to in the town of Manchester was that which offered the best hope, if it could have had a trial, of our arriving at some sound system. It had failed owing to the circumstances stated by the right hon. Gentleman the Home Secretary; but still he had no doubt that it would be followed up by those who had taken it in hand, and, if so, that it would turn out the most consistent with the interests of all classes; for it left to the parents the fullest liberty to have their children instructed according to whatever religious form they preferred. He, in common with all classes in his county, was anxious for the spread of education; but he believed he was acting in conformity with the sentiments of his constituents in withholding his support from the scheme now proposed so long as there was a hope of conducting education in combination with religion.

Mr. MILNER GIBSON said, that he had hoped the right hon Baronet the Home Secretary had been more favourable to the scheme of education proposed by his hon. Friend the Member for Oldham (Mr. W. J. Fox) than afterwards appeared; but from a part of his speech he inferred the right hon. Gentleman to be favourable to the support of education by public rates. The real difficulty appeared to be to carry out anything like a general system, the prejudices entertained on all sides being so great. But of this he had never entertained a doubt—that if schools were to be supported by rates, they must not be denominational schools, must not be sectarian schools. They must be schools in which all classes of ratepayers could have equal advantages. If rates were imposed for denominational schools, matters, instead of being improved, would be made worse, and the majority of ratepayers in any parish would be enabled to enforce the teaching of their religion upon the minority. Talk of the church rate! why in that case the school rate would be based upon precisely the same principle as the church rate, which was so much objected to. And if they were to attempt to entitle the majority in a parish to levy rates on the minority to teach the religion of the majority, they would at once involve the whole country in religious conflict. Therefore, although he agreed with the principle that there should be rating for schools, he disagreed with the proposition that there should be a rating for denominational schools. If secular schools were established to be supported by public rates, did it necessarily follow that those schools should be of an irreligious character, as some hon. Gentlemen seemed to suppose? He regarded that opinion as a mistake, arising from misapprehension of what the object really was. It was not proposed to teach in the schools everything that children ought to be taught, but to give them only such part or portion of education as could be given in institutions that were supported under such conditions and circumstances. It was not said that religion was not to be taught to the children at other times, and in other places, but it was proposed to give them what in itself was necessary, and good, and valuable, as far as it went—primary instruction. The difficulties of teaching religion would be greater if primary instruction were not given in the first instance. If a child was taught reading, writing, arithmetic, and geography, was his chance of learning religion elsewhere less than if that child had been left neglected in some alley, and taught nothing at all, but, on the contrary, bred up in vice and ignorance? It appeared to him so obvious that the giving of this primary instruction must be a benefit to the child, that he could not allow it to be said that they who supported the hon. Member for Oldham were adopting a system which made it impossible to have a religious and moral training, and therefore that their proposal would do more injury than good. He had some jealousy, he confessed, of allowing the masters of schools to be teachers of the doctrines of religion; and he said this because he had heard of opinions professed by clergymen of the Church of England, and by ministers of religion of various persuasions, which gave him the notion that they did not entertain sound views on the subject. He denied the right of the clergy to be the controlling parties over all the education in the country. And he asked the House to look at the different views of religious education taken by religious persons themselves. There was the Rev. Francis Close, for example, an evangelical clergyman, who, he found, had addressed a meeting of the Tradesmen and Working Men's Association at Cheltenham, some time since, and made use of the following expression: "The more a man is advanced in human knowledge, the more he is opposed to religion, and is the more deadly enemy to the truth of God." Now, he differed altogether from the Rev. Mr. Close; and instead of believing that knowledge was opposed to the truths of religion, his firm opinion was that religion flourished better, and was far more likely to take root in an intellectual atmosphere, than where ignorance and darkness prevailed. On the subject of the Lancashire school system, and speaking of the plan of his hon. Friend the Member for Oldham, the Rev. Francis Close said—

> "He considered it impossible, false, hypocritical, and absurd to say that there could be a separation between religious and secular instruction excepting in pure mathematics. He would say that a man who could teach history and ordinary matters of instruction in various branches of secular instruction, without religion, should not set his foot in his (Mr. Close's) school to teach anything. What they sought was to interweave Church of England evangelical principles with all their instruction, and to diffuse them through the schoolroom all day long. If they should attempt

to separate secular from religious education, they would separate that which God had joined together."

Now, he unhesitatingly said that such a system of schooling could never be agreed to if supported by public taxation. The people of this country, divided as they were into various religious bodies, could never be brought to agree to any one system of religious education. Why? Because the people observed that such clergy of the Established Church made no secret of their intentions as to education; that it was to put secular knowledge in the shade, and to use the schools for the purpose of proselytising and making all minds converts to their peculiar persuasion. Would any one say that the people of Holland and Belgium were more indifferent to religion than other people? He should say, on the contrary, of either, that they were a grave and serious nation; and a gentleman in one of those countries had pointed out to him the plan on which a large school was conducted. He said—

> "I know the state in which you are in England. Here you see a school composed of children belonging to various religious denominations. If you asked me what was the religion of any one child here, I could not tell you; but if you were to inquire further, you would find, although we do not teach religion in this school, that at other times, and in other places, the ministers of the various religions to which these children belong, do teach them religion; and you would find also that this school operates as the means of bringing the children of the different religions together, so that the ministers of all sects know where to find them. Thus, although religion is not taught, the school facilitates instruction in religion."

Here was a correct representation of the practical operation of a secular system of education in another country, showing it was not adverse to religion, and therefore it was not fair to throw the imputation upon his hon. Friend the Member for Oldham, of desiring to oppose and discourage the teaching of religion.

Mr. LOFTUS WIGRAM said, the growing interest in this subject showed that the real question was not, whether education should be given, but how it should be given: and the question they were now considering was, not the general subject of promoting education, in which they all agreed, but the particular scheme of the hon. Member for Oldham, in the leading features of which he could not agree. The three leading features of that scheme were—that the education should be free, that it should be supported by local rates, and that it should be secular. Now, he had great doubt as to the expediency of making education altogether free in this country. Practical men, who had dealt much with this subject, were of opinion that that was not the system best adapted to this country, best suited to the independent feelings of the lower orders, or best calculated to produce an efficient scheme of education. They thought the existing system better adapted for the purpose under which the parents of the poorer boys were invited to make small contributions towards the expenses of education. Doubtless, in some classes of schools, such as the ragged schools, education must be given free of expense; but he believed that neither the necessities nor the wishes of the lower orders were such as to warrant the adoption of a general system of free education. With respect to the next feature of the hon. Member's plan, he doubted the propriety of calling for aid towards educating the people by means of local rates. He considered, so far as public aid was to be given, it would be given in a more equitable form, and the expense be more fairly borne if the burden were diffused over all, and that the least objectionable form was by grant from the Consolidated Fund, according to the system at present adopted, and not by levying a local rate like the poor-rate, as a system which would throw the burden very unequally. With reference to the third feature of the scheme, that secular education only should be given, he was altogether opposed to the principle of such a proposal. He did not see that such a scheme would give satisfaction in any quarter. He did not mean only the Church of England; but that it would not give satisfaction to the people generally. The Roman Catholics, they all knew, would receive no satisfaction from a system of that kind. The mass of the people belonging to the Church of England, or the body of Dissenters, would not be satisfied with such a system. Any system including religious teaching would give more satisfaction. Many Dissenters continued to send their children to the Church of England schools, for they knew that these schools were not teachers of polemical theology, but that the religious teaching they gave was instruction in the truths of the Scriptures. He could not possibly think how such a system of education as that proposed by the hon. Member was adapted to secure the end it professed to have in view. It was said the system was proposed for the purpose of doing justice to the poor. But surely it ought to be the aim of all who sought to elevate the poor to implant in their minds the great principles of religion. If education were confined to secular subjects—if carried out without religious instruction—he did not believe that the tendency of such a system would be to diminish vice and crime—he did not believe that such a system would be either beneficial to the individual or the community. But it was said by hon. Gentlemen opposite, "What we propose is that children shall be educated in the school, and receive religious instruction elsewhere." But let that system be carried out, and what would be the result? How long were the children to remain at school? If inquiry were made, it would be found that in many places parents would not leave their children at school beyond the age of thirteen, at which period they began to be capable of earning something. All the education these children received, which was to govern the whole course of their future life, was given before they were thirteen years of age. How, then, could the proposed scheme be carried out? Where could these children get their religious education? and when were they to get it? Were these children, up to that age at which their educational training ceased, to be sent to school where they could get no instruction in those great moral principles upon which all Christians were agreed, nor even in the first principles of religious duty; for instance, the duty of worshipping God? If the principles in the Resolution were carried out, the children would receive no instruction in the schools in their first duty—that of worshipping the Creator. To such a system he was decidedly and on principle opposed. The argument urged in its favour was, that there was a necessity for it. He did not believe the necessity existed. He believed the existing Government plan could be carried out so as to introduce a general system of education; but two things were wanted, a great deal more money, and more time, to obtain the required machinery. What was wanted, in the first instance, was good teachers. Something had been done to remedy this want. Several institutions had been opened for the purpose of providing good teachers. An institution at Highgate, which furnished eighty teachers, had been very recently opened. The system of pupil teachers was also tending to supply the want. He believed, therefore, that the present system, with some addition to it for providing free education for the very poor, would at no distant period carry into effect the object of a general system of education for the people. He must oppose, on principle, the present proposition; at the same time he felt obliged to the hon. Member for Oldham for bringing forward the general subject, as its discussion must be productive of good.

Mr. ADDERLEY must vote with reluctance on the question against those with whom he usually voted, for he felt he could not conscientiously vote against the propositions of the hon. Member for Oldham. There was an old proverb, "Take care of the pence, and the pounds will take care of themselves;" the moral of which was susceptible of a wide application. If the House took care of such elementary questions as these, they would find that many great complicated questions would take care of themselves. He regretted to differ from the opinions expressed by the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram), who, in expressing his dislike to free education, dealt with only a part of the case as if it were the whole. The hon. Member for North Lancashire (Mr. W. Patten) said, he felt anxiety on the question, but would consent to support the propositions before the House in the event of no better scheme being put forward. The question, then, was, what chance was there of a better system being carried out, and what would happen to the country in the meantime? All were agreed that religious and secular instruction were both wanted, and that one should be based on the other. They were also agreed that both could not be carried out without the help of a national rate. But it also appeared that, while secular education could not be carried out except by a national rate, religious education could not be carried out by a national rate. So, therefore, as one-half of national education was impossible without a rate, the hon. and learned Member for the University of Cambridge practically set his face against the whole. He (Mr. Adderley) would, however, show the House that while one part could be carried out by a national rate, the other part could be carried out by a voluntary aid, and thus both, the avowed object on all sides, could be achieved. The proposition of the hon. Member for Oldham could not be controverted, that the present secular education was deficient in this material respect—that it failed, for instance, to point out to the poor how they were to find their own subsistence. Now, as crime proceeded frequently from want of employment, good secular education would tend to prevent such crime. If, for instance, the poor knew more of geography, that would enable them to understand the advantages of our wide colonial territory, in offering them the means of a livelihood, and, as in America, our colonies would soon become our back settlements. The right hon. Baronet the Home Secretary referred to the standard of education as being of an improving character. He thought the standard of primary education was vastly too high already; it was vastly higher than was required; and he considered that the prizes of the Committee of the Privy Council upon Education went to a higher class than had any right to be educated at public expense. The money that was spent by the Committee of the Privy Council upon Education was lavished on a class for which it was never intended, and who, in many cases, ought ought not to receive a farthing of it. The gigantic plan of the Privy Council, besides, could not be carried out, and debts had been already incurred which could not be liquidated. There was, therefore, no permanent hope to be derived from that quarter. But while they were discussing the possibility of national education, an efficient national education was going on, but it was only accessible to two classes — the prisoner and the pauper. The education given in some of our prisons was elaborate and very perfect: in Parkhurst, Bridewell, and some prisons for the reformation of juvenile offenders, the education was good. In some workhouses also, the education was vastly superior to that given by the poorer classes of the neighbourhood to their children. Here was a national system of religious and secular education at the expense of the country; and the only question was, whether an equal chance of both should not be extended to the poor outside the workhouses and prisons merely because the free would not receive both together? It might be said that the prison system would always be superior, because it mixed up religious instruction with secular education; but would they then consent to open the doors of such places equally to the honest poor outside? He confessed he was dissatisfied at seeing the honest poor debarred from the advantages so liberally afforded in those penitential places. He approved of a national rate for general education; and he thought it was highly creditable to the county of Lancaster that it should have been the first to come forward with a petition to Parliament to tax them for such purposes. He had the authority of a distinguished traveller for stating, that no Englishman could visit America without blushing at the great superiority of the Americans over this country in point of primary education amongst the people. He had heard only two serious objections to the propositions: first, that, if adopted, they would supersede the present schools. But that objection was of no force, for if the present schools were inefficient, it would be an advantage to supersede them. The second objection was, that it was impossible to separate secular and religious instruction. That was a mere play upon words. We acted upon the principle every day of our lives in the education of our children. No man asked his dancing master to fiddle and teach religion to his children at the same moment. We showed that the two could be separated without mischief. The advantages of the hon. Gentleman's (Mr. W. J. Fox's) proposition would be plain and obvious. The necessities of the case were also obvious; and he approved of a plan which would compel the people to take an interest in their own schools.

The SOLICITOR GENERAL concurred with every hon. Gentleman who had addressed the House on the importance of this subject, and believed with them that no subject of greater consequence to the well-being of the nation could come before them than how best to educate the young of those numerous classes who were at present wholly uneducated. He had never, however, in the course of any debate heard so many singular fallacies—so many errors in fact and errors in principle—brought forward as had been uttered that night by hon. Members who supported this Motion, and particularly by the hon. Gentleman who had just sat down, who certainly would not have made the observations he had offered to the House if he had had time to reflect over the matter. Could there have been anything more surprising than for the hon. Gentleman to have based his support of the Motion on the ground that there existed insuperable difficulties in obtaining the concurrence of the various bodies of religionists to a system which embraced the religious education of the poor—which he (the Solicitor General) did not admit—and the assumption that there were not insuperable difficulties to the adoption of a system of secular education—which he (the Solicitor General) also disputed. And the hon. Member (Mr. Adderley) had said they could obtain both secular and religious education by imposing a rate for the former, and leaving the latter to voluntary effort. Did the hon. Gentleman suppose, that, by imposing a rate for the purposes of secular education, all difficulties in the way of having the people religiously educated would vanish? He (the Solicitor General) did not think that the hon. Member could arrive at such a conclusion; for being a member of the National Society in common with himself, he well knew the difficulties that interposed in the way of obtaining subscriptions. Did the hon. Gentleman not feel that if a compulsory rate were imposed, the difficulties in procuring subscriptions for the support of those schools at present in existence, and where the religious element had been introduced, would be found insuperable? Parties who at present subscribed to the free schools would take the excuse which the imposition of the rate would afford. Such a measure as was proposed would be of the most tyrannical character as respected all the schools in the country where anything in the shape of religion was introduced, and people would be compelled to pay a double rate before they could obtain that species of education they desired; they would be obliged to pay the rate for the secular schools, and also to contribute to the support of the religious schools. The real effect of the proposition of the hon. Gentleman the Member for Oldham would be to shut up every religious school in the country, and force some persons to maintain schools which they abhorred. Then the hon. Gentleman had referred to what had been said by the hon. Member for North Lancashire (Mr. W. Patten), who had admitted that if he could not get anything better, he would at least concur in the plan now proposed. The hon. Member for South Staffordshire (Mr. Adderley) had said that the hon. Member for North Lancashire (Mr. W. Patten) might wait for ever while nothing was being done, while here was a secular plan open to adoption. He (the Solicitor-General) would ask, had nothing been done hitherto? He would tell them what had been done. During the 27 years preceding the time when the Government grant had been made to the schools of the Church of England, there had been in these schools 550,000 children; and during nine years since the grant had been made, the scholars had increased by 449,000. The benefits, however, had not been confined to the extent of the Government grant alone; for by that grant a stimulus had been given to voluntary exertions, and the result had been a very large increase of contributions under this head. Before the grant had been made, the voluntary contributions towards the Church of England schools through the National Society alone had been about 3,000*l.* annually; whereas during these nine years the sum had risen to 20,000*l.* per annum, or nearly a seven-fold increase under the affect of that stimulus. It could not then be said by any means, that we had arrived at a point at which the present system had failed—though he would by no means have it supposed that we had arrived at a state in which it might be left. He did not think that the system of secular education, as proposed by the hon. Member for Oldham, was one which the people of England were agreed to adopt. The promoters of this scheme seemed to be aware that "secular" education would not be popular, for their Society had been first called the Lancashire Association for Promoting "Secular" Education, but it was now named the National Public School Association. The name had been changed—changed advisedly, and the word "secular" had been dropped out.

MR. COBDEN begged to explain. It had been proposed at the meeting to which the hon. Gentleman alluded, that the word "secular" should be introduced into the title of the Association; but he (Mr. Cobden) had urged that the name should not be altered, and it was the same now as it had been since its institution.

The SOLICITOR GENERAL was much obliged to the hon. Member (Mr. Cobden) for putting him right—but the correction did not materially alter the inference which he wished to draw from what had occurred at that meeting. He remembered that there had been a discussion on the subject at Manchester, and his impression had been that at that meeting the word "secular," which had formerly been in the title of the association, had been dropped. It appeared, however, that the association having ceased to be merely a local board, it was thought by some desirable that the name should be changed for that of "the Association for Promoting Secular Education," but that, mainly through the instrumentality of his hon. Friend (Mr. Cobden), who had a talent for discovering what would be acceptable to the people, the word "secular" had not been adopted. The hon. Member himself said at that meeting that education, without any religion whatever, would not be palatable to him. If it were said that the people were in favour of "secular" education, he would only refer to the instructive proceedings of that meeting at Manchester. There were, however, other parties at Manchester engaged in the cause of education besides those who attended this meeting. A committee had been formed there, consisting of gentlemen of every shade of politics, from the highest Tory (if any such now existed), to the strongest Radical, and gentlemen, too, of every religious creed. It was quite true that there had been a secession of Roman Catholic priests, but none of the laymen had seceded. This Committee had secured the co-operation of a large body of the people to a system which he would not say was perfect, but which seemed to him to have met the difficulty which encompassed the subject in a manner which he had not previously heard proposed. They did not propose, like the hon. Member for Oldham, to sweep away every existing school supported by voluntary contributions. The hon. Member did not propose to do that in terms, but that would be the immediate results of a forced contribution. They, on the contrary, said, "Let us avail ourselves of existing schools, many of which are not full enough for want of means, and wherever we find a school certified by the Government Inspector, let us pay the master so much, in proportion to the number of children attending his school." That allowed every person to educate his children in his own way, and it was most valuable, because it was a local system. In this all-important matter, it was of the utmost consequence that no false step should be made; and in bringing in a Bill, they confined it simply to their own town, inserting, however, a clause which gave a power to other towns to adopt the plan if they thought fit. They would have then the advantage of seeing this local experiment tried in one of our largest towns on a large scale, without being committed to any false principle. The right hon. Member for Manchester (Mr. M. Gibson) had said that it would be a hard thing to compel children to go to a school the religious teaching of which their parents did not approve. It was not necessary, however, that all the children should be sent to one school. They might have ten schools in one place, giving all the children secular education and religious education at the same time, according to the views of their parents. Was not this a very perfect way of carrying out an educational scheme? But how would it be under the local rate proposed by the hon. Member for Oldham? The hon. Member for Staffordshire (Mr. Adderley) said that we had secular education, but only in our prisons and our workhouses. That was a good antithesis, no doubt; but this argument militated against his own position, for in the prisons and workhouses the education was partly of a religious character. The hon. Member had doubtless said he would be content with such a system of education; but he must recollect that the hon. Member for Oldham (Mr. W. J. Fox) held that these schools inculcated too much religion. That hon. Member wanted no religion at all inculcated, and said that if they taught any religion, not a sixpence of the rate would they get. That, therefore, appeared to him the worst possible example that could be cited. Then the hon. Member for Montrose appealed to the Irish schools, and the hon. Member for Oldham said, Look how much less crime they have under those schools. But these hon. Gentlemen seemed both to forget that the Irish schools taught religion; and further, that the scheme now propounded would close all these schools, because those who now contributed to them would naturally excuse themselves if they were compelled to subscribe to a local rate. The whole matter, in fact, rested upon a false principle—upon errors in principle, as well as upon errors in fact. The hon. Member, in his eloquent peroration, said that he wished us to erect the great fabric of national prosperity upon the solid basis of national intellect; but he (the Solicitor General) would wish it to stand not upon that basis only. Man was a moral and a spiritual, as well as an intellectual being. We must then educate all the powers given him by his all-wise Creator; but not one only, to the exclusion of the others. [Mr. HUME: Hear, hear!] He (the Solicitor General) knew that such remarks would expose him to the unjust accusation to which the clergy and every individual who held views similar to himself were subject, namely, that he was afraid of the education of the intellect because he had no faith in the religious system he advocated and supported. He (the Solicitor General) denied such an allegation *in toto*. During the last twenty years, education in the hands of the clergy had been greatly advanced: they had improved their schools in a manner the most creditable; and so far from being afraid of instruction, the only question in men's minds was, whether the National Schools were not too highly instructing the people—whether, with regard to the portion of the people who were engaged in outdoor manual occupations, they were not educating them to the prejudice of their physical capacity. The proposition of the hon. Member for Oldham was as unphilosophical as it was opposed to religious principle. He (the Solicitor General) found man an intellectual, moral, and religious being, and he did not extinguish any one of these powers. But the hon. Member for Oldham insisted on withdrawing one of those qualities—and that the most important of the three—from all active development. It was difficult to speak of gradation in these faculties. A man might be made mad by cultivating the spiritual only; he might be made a hard-hearted creature, incapable of moral or religious feeling altogether, by cultivating the intellectual only; and he might be made stupid and unintellectual by developing the moral principle, and cultivating the affections alone. All these, then, ought to be considered. It was scoffingly asked, what had religion to do with the rule of three or the multiplication table? That was a most idle question. They should have both; and the question ought rather to be put in this wise—"Why should the teaching of the rule of three exclude religion?" [Mr. HUME: What religion?] Let every man answer for himself and for his children. Did any man ask that in reference to his own family? Did he wait until it was quite clear that he had got the right religion before he instructed his children? Or did he take that which his fathers had professed before him? He did not think any earnest-minded man need be at a loss to know what religion to give to his poorer brethren: he would act upon that which he himself thought right, and no doubt God's blessing would rest on that. If a man did not believe the three principles he had named existed in man, there was no more to be said; but if he did so believe, he would also believe it to be his duty to develop all those in the best way in his power. The examples adduced in support of this scheme were certainly unfortunate, for neither the London University nor the Irish Colleges could be considered to afford a parallel case. In the one case they had the children of the poor, from the ages of five to thirteen years, living at home, where they had actually no religion, where they had few advantages of any kind, their minds being in a tender state favourable to the development of their powers, but as yet wholly uncultivated. In the other, they had the children of wealthy parents, who had passed a number of years at school, who had had all the advantages of a good home, and whose character was in some measure formed. The case of America had been referred to. He did not think the United States was an example so favourable to the case of the hon. Member (Mr. W. J. Fox) as some supposed. All the States were not agreed on the subject—all did not exclude religion. As to the law with respect to education in the slave States, he might observe that a few years ago it was death to teach a black child to read and write; but he believed the punishment was now commuted to a penalty. With regard to all the States, America possessed this peculiar advantage: it was not an over-peopled country; there were not great incentives to crime; men had the means of accumulating wealth, and the children were more certain of having a home in which they could get religious instruction. The arguments which had been used with respect to the effect of the want of education on crime, he held to be overcharged. You say, the per centage of educated convicts has increased. Well, but if you educate every child, the educated convicts must be cent per cent; for no system of education would make crime disappear. It was idle, again, to talk of the poor giving their children religious education at home. Parents of this class came home from their labour worn out and jaded, and many of them had not the time even though they possessed the will to impart religious instruction to their children. [Mr. TRELAWNY: What is the Church about?] His hon. Friend the Member for Tavistock asked what the Church was about. The clergy were willing to do what they could for the religious education of the people, but in most of the manufacturing districts their number was so disproportioned to the population, that they could not undertake the daily instruction of the people. He believed that a child was educated by all he heard and saw, and it was of the utmost importance that religious instruction should be imparted to him, not merely as opportunity offered, but by the religious atmosphere in which he lived. Under the present system, the schools were opened with prayer, and the little child of six years old was taught to go upon his knees. It was said that religion should not be mixed up with the multiplication table; but it might be introduced in giving instruction with respect to the products of the earth, or in teaching geography and astronomy, and the system of the heavenly bodies. Was it nothing to tell a child that the same Providence that formed those infinite worlds, watched over him as if he were the sole object of creation? Then, again, take history? Is there no difference between a Protestant and Roman Catholic history of Queen Mary; and if religion was to be excluded, how was the schoolmaster to conduct himself respecting it? He recollected that a very distinguished Member of the Spanish Cortes once told him that before he got acquainted with English history, he always thought that Queen Mary was one of the most popular of British sovereigns. To a schoolmaster the opportunities were constantly occurring in which he could imbue the mind of the scholar with sound religious knowledge. An earnest, religious man would imbue the minds of his scholars with religious feelings; and an earnest teacher disposed to inculcate disbelief would endeavour to imbue the minds of his pupils with principles similar to his own. Good principles were most easily inculcated in the period of youth; and ministers of religion of all denominations should be allowed to make their services available in developing in their full integrity in the minds of the youth of the population all the powers of their minds, and in particular religious principles, which, if not developed in a human being, he was not a man, but worse than a man. Lastly, he would say that he wished to see the fabric of our national prosperity based, not merely on the intellectual advancement of our people, but on the full development of their intellectual, moral, and spiritual functions.

MR. COBDEN said, that if some stranger had entered the House during the speech of his hon. and learned Friend, he would have supposed that the Motion of his hon. Friend the Member for Oldham was not a proposition for voting an additional sum of money to remedy a defect in education, the existence of which they were all ready to admit, but he would rather have imagined it to be a proposal to withdraw the funds already applied to the instruction of the people in general, or that his hon. Friend intended to abolish the National Church, and to withdraw the 5,000,000*l.* or 6,000,000*l.*, which was its present endowment, and that the moment he should succeed in carrying his Motion, all the present voluntary contributions of the dissenting bodies would entirely cease. That would be the conviction of any one who entered the House during the speech of his hon. and learned Friend. When his hon. and learned Friend charged the hon. Member for North Staffordshire (Mr. Adderley) with fallacy, he thought that his (the Solicitor General's) speech had been founded on fallacy from beginning to end. And he thought the hon. and learned Gentleman had misunderstood and misapplied the argument of the hon. Member for North Staffordshire; for he went upon the assumption that the hon. Gentleman supported two kinds of education—an education of a secular, and an education of a religious, kind, both out of the public funds. Now he (Mr. Cobden) understood the hon. Gentleman to say that there was an ample provision for religious, but that there was no sufficient provision for secular, education, and that he would agree to a system of secular education, rather than have none at all. The hon. and learned Gentleman the Solicitor General said this system was impracticable; but the hon. and learned Gentleman forgot that his own plan had been tried for fifteen years in this country, and had been brought to a dead lock; and the right hon. Baronet the Secretary for the Home Department had informed them that a deputation had come from Manchester, and informed him that the scheme which had originated and had been attempted to be carried out by the men of Manchester had failed, and that, he contended, was an argument against the proposition of the hon. Member for Oldham. Now, before the House decided upon the subject, it was, in his opinion, right that they should examine the statistics which were before them, Let them, in particular, look to the amount of money which they had granted for educational purposes. For the last five years they had had a grant of 125,000*l.* a year, while there was but a very trifling increase on the population, and scarcely any to the number of persons who received education in consequence of the State grant. And why? Because it was a subject that the Government dare not touch in that House; because the present system was so unsatisfactory that, in spite of two large blue books of correspondence and minutes, and an expenditure of 125,000*l.* per annum, the little education we did get in this country was owing to the efforts of the Committee of Privy Council; and he did not blame them for those efforts, but he honoured them for trying to do that which could not be done in that House. No one knew better than did Government that they dare not stir the question with a view of getting a grant commensurate with the wants of the country, in order to carry out the system which at present exists. And now what was it that Government was falling back upon? A local scheme in Manchester, which had already failed in precisely the same way as the Government plan had failed on these religious difficulties. The gentlemen who came to town from Manchester did him also the honour of calling upon him; and he rejoiced to see them endeavouring to overcome the difficulties of realising a system of education. They told him, as they told the right hon. Gentleman the Home Secretary, that they had the concurrence of all the religious sects—that the Roman Catholics had joined them as well as the Dissenters; but he received a letter from them after their return to Manchester, that, to their surprise and regret, they had to tell him that not two of the Roman Catholic clergy, as the hon. and learned Gentleman had stated, but eighteen, virtually the whole body of the Roman Catholic clergy in that town, had seceded from that plan of education. And why? Simply because the committee that met in Manchester made it a fundamental principle of their scheme, that in all schools erected at the public expense in Manchester, the authorised version of the Bible should be read; and that being a condition which the Roman Catholics could not comply with, that, of course, separated them altogether from this plan of education. Now, he asked any one in that House, if any plan of public education could be satisfactory in the boroughs of Manchester and Salford combined, which excluded the poorest of the poor classes. There were in Manchester and Salford at least 100,000 Roman Catholics. They were the poorest of the population, and if ignorance were an evil, they were the most dangerous part of the population to be left in ignorance. And yet this was a plan on which the right hon. Gentleman the Home Secretary relied in order to relieve him from the difficulty he was in. They were in precisely the same difficulty in Manchester that they were in in that House; for he maintained that the little good that was done was done surreptitiously by the Educational Committee of the Privy Council, and not by a Vote in that House. What were the Minutes of the Privy Council? Did they suppose they would stand the debates in that House any more than the Motion of his hon. Friend (Mr. W. J. Fox). Bring forward a Vote for the maintenance of Roman Catholic colleges, in which they would be allowed to carry on in their own peculiar way their own doctrines and worship, and did they think that Vote would pass that House? There was a fundamental evasion and fallacy about the whole of this Educational Vote. He asked them, when they talked so much of religious education, if this 125,000*l.* was for religious teaching?—because he understood when they were passing an Educational Vote it was not for religious education. When the Vote was first agreed to, in 1834, it was called school-money; it was 10,000*l.* or 20,000*l.* to begin with. Afterwards it was changed to a vote for education, but they did not vote the money for religious education. Could they vote any sum in that House if it were asked fairly for religious instruction? No, it could not be done, and it could not be done for many years past, and never more would they vote any money in that House as an endowment for religion; and, therefore, when they talked to him about voting for religious education, he said it was not an accurate description of what they voted it for. The hon. and learned Gentleman (the Solicitor General) had talked as if there were some great conspiracy in the country, as if there were some parties aiming to deprive the country of its religious faith; and he seemed to assume that, if they allowed schools to be established without religious teaching, they would practically be establishing schools to teach infidelity; and he also said that by establishing schools for secular education without religion, we were in fact divorcing morality and religion from education. Now, when the hon. and learned Gentleman rung the changes about advancing the attributes of our nature, and of promoting the intellectual qualities at the expense of the religious and moral, he might surely give them credit that it was practically impossible to do anything of the kind. They knew that religion was a part of moral training, as well as the hon. and learned Gentleman did; but what they said was, that there was ample provision in this country already for religious training. There was twice as much spent in this country for religious training that there was in any other country in the world. Then how could it be said that they would exclude religion from education? He wanted to do nothing of the kind. Again, they had been taunted with the use of the word "secular." Well, he did not know any other word they could use. He said once for all, he considered there was provision made for religious training, but not for secular training, and therefore he wished to provide for secular education. He wanted people to be able to read and write—to be able to write their names when they signed a contract or registered the birth of their children; he wanted people to be trained in habits of thought and forethought; and he did not know any other term than secular for this kind of education. But why ring the changes upon secular education? He said once for all that he was not opposed to the Bible or any other religious book being read in schools. What he wanted was to have the same system of education in England that they had in Massachusetts. in the United States of America. He would not go to Louisiana or Georgia, but his system was that of Massachusetts; and he challenged hon. Gentlemen to test that system by the experience of that State, and the good it had effected there. That State was not open to the argument that it was a thinly-peopled country: it was an old country, and one which sent forth vast numbers of emigrants; the people were of our own race, and had our own habits, and he wanted to know why we could not adopt the same plan in England that they had adopted with success in Massachusetts. We had just now a competition with all the world in the production of that which ministered to the comforts of mankind. If we saw the result of ingenuity in any part of the world, we plumed ourselves that we could imitate it. If we went to the Great Exhibition and found a machine there, however cunningly it might be contrived, we should find men say that what was done in Boston, in America, we could do in England. But if they adopted the Massachusetts system of education, they said it would make the people an irreligious people. He would meet them on that ground. He had been in Massachusetts, and, testing them by any test they might wish—by the number of their churches, by the number of attendants at their churches, by the amount paid for the teaching of religion, by the attendance at Sunday schools, by the observance of Sabbath, by the respect paid to religious teachers, by any one test with regard to religion, he would challenge a comparison between Massachusetts and any part of England. Well, then, the system of education adopted in Massachusetts was a secular system; and did they prevent the children from reading the Bible? Why, he ventured to say that in the report which he held in his hand of the Board of Education in Massachussets, there was not a single word about religion from beginning to end, and that, probably, there was not one in a hundred of these schools where the Bible was not read. He had no objection to a parish having local management having the Bible in its schools as well as any other book; but what they did in Massachusetts they should do here, by saying, as a fundamental principle, no book should be admitted into the common school which favoured the peculiar doctrines of any Christian sect. Well now, with a people so jealous of their religious independence as the people of Massachusetts were, what they had been able to do, surely we could do in England. They had the same battle to go through there that we have. In Massachusetts, originally, they taught the catechism in their schools which had been taken there by the Pilgrim Fathers when they left England, and who carried with them as much intolerance almost as they left behind; but another system now prevailed, and with the greatest possible advantage. Now, practically, he believed that system would work as well in this country as it did in Massachusetts; and if the system proposed by his hon. Friend the Member for Oldham were carried out, he was persuaded that in 99 out of 100 of the parishes of England nobody would object to the Bible being read in the schools, provided it were read without note or comment. In a vast proportion of these parishes there were no Roman Catholics; but he had that opinion of the good sense and rational conduct of men, that if there was a very small minority—that if there were a few families of Roman Catholics who objected to the reading of the Bible—the reading of it could be so adapted to particular times as not to interfere with any one's religious conviction, and in a way that would exclude nobody. He believed that when the system of free schools was adopted, such would be the estimation in which education would be held by the mass of the people that it would not be easy to keep children from the schools. Where was the difficulty of their doing what had been done in Massachusetts? He would not be driven from that ground. Give him the Massachussets plan. He declared his belief that the mass of the people in Massachussets were as superior in intelligence to the population of Kent, as the latter were to the people of Naples. He said that advisedly. He asked, then, why they could not have this system in England. Would they tell him it was on account of the Established Church? Why, surely, having an Established Church with a very rich endowment, which supplied a clergyman to every parish, and the means of religious instruction to the mass of the people—for the mass of the people had religious instruction without paying a farthing for it in the rural parishes—would they tell him, having this advantage, they could not maintain their ground against another people who left religion to voluntary effort, and who endowed their secular schools? Now, there had been an objection made that they intended to supersede existing school-rooms; it had been assumed that the plan of his hon. Friend (Mr. W. J. Fox) must necessarily throw to waste all existing schools belonging to places of worship. He saw no necessity for that at all. He considered they might make use of the existing school-rooms, as well for this system as for any other, and he never contemplated such a waste as to render useless existing school-rooms. Now, the hon. and learned Gentleman the Solicitor General had told them, and the right hon. Gentleman the Secretary of State for Home Affairs was of the same opinion, that if they adopted this plan of secular education they would shut up all the other schools. That was an admission, by the way, that they were going to establish something better than the old system. But they went further, and said, when they shut up the schools they would deprive the people of religious education, because the great bulk of the people got no religious instruction now, except what they got in their schools. When his hon. Friend the Member for Tavistock (Mr. Trelawny) ejaculated what were the clergy doing? he thought that was a natural exclamation. They paid 5,000,000*l.* or 6,000,000*l.* a year to the clergy, and it was rather a bold thing for a devotee of the Church to say if the children did not get religious training in the schools they would get no religious training at all. The hon. and learned Gentleman the Solicitor General, when he answered that ejaculation of the hon. Member for Tavistock, turned immediately to the manufacturing hives, where, from increase of population, he said, there was much ignorance. He begged the hon. and learned Gentleman's pardon; but the great mass of ignorance was not in the manufacturing towns, but in the rural districts, though he admitted there was much ignorance in the manufacturing districts, because the surplus population of the agricultural districts went to the manufacturing districts. He did not blame the clergy for being the cause of that ignorance in secular matters, although he thought there was a great deal to be said as to the duty of the clergy to see that all persons in their parishes could read, inasmuch as he could not see how a person could be a Protestant at all who could not read; yet he did not attempt to fasten upon the clergy responsibility for ignorance that existed in the country. He knew that in many districts they had undertaken more than any one else for the cause of education, and he knew that they found great difficulty in maintaining their schools by voluntary efforts in some places. In many rural parishes three-fourths of the land was owned by absentees, where the clergy had very little chance of getting support from absentee landed proprietors. How, then, were they to raise the funds to maintain the schools? He wanted a plan by which, for the purposes of secular education, a parish would be able to rate property. Let property be rated, and each proprietor, whether he were an absentee or resident, would contribute towards the education of the people. He was firmly convinced that money could not be better applied in any of the small rural parishes than in providing good secular education. By such an education the people would gain self-reliance and self-respect. Let them be taught a little geography. Let them learn what was going on in other parts of the world—what, for example, was the rate of wages in the Colonies—and they would not then rot in parishes where they were a burden on the poor-rates. 80*l.* or 100*l.* a year laid out on education in a rural parish would do more to keep down the poor-rates, and to prevent crime, than the same amount expended in any other way. He could not help expressing the great gratification which he felt at the difference between the tone of the discussion that evening, and the tone of the debate last year. For his own part, he must say that there was no other subject on which he felt so tolerant towards every body as he did on this subject of education. If they saw the Government doing something—he cared not how—he was grateful for it. If he saw hon. Gentlemen opposite—whether High Church or Low Church—trying to secure for the people a better education, he thanked them. He saw the enormous difficulty of taking any combined step, owing to the religious element which always stood in the way. If ever there were a time, however, when it was necessary for parties to combine in a system of secular education, apart from religious sects, the present was such a time; for no one could deny that never before was there so much strife and disunion amongst different religious bodies. The hon. Member for Stockport (Mr. Heald) belonged to a religious community which was torn in twain. Was there to be one set of schools for the reformed and another for the old Wesleyans? As a matter of economy—as a matter of charity, goodwill, and kindness, let them all try to get on neutral ground; let them try to do so, not only on account of the good which would thus be done to the mass of the people of this country, who would never be educated under any other system, but in order that they might have an opportunity of meeting, as it were, out of the pale of those religious strifes which were now more threatening than ever.

SIR R. H. INGLIS acknowledged with satisfaction the moderation of tone in which the hon. Member had dealt with the subject. The hon. Gentleman had great influence with the country, and was always powerful; but he hoped the hon. Member would excuse him for saying that he wished he had never been more powerful than in the argument which he had used that evening. He rose to support the proposition of the hon. Member for Oldham; but instead of supporting him, he had in fact proposed that the Bible should be read. He added that he knew his hon. Friend the Member for Oldham was not the Member to object to that; and touched him affectionately on the shoulder in expectation of assent. Was that assent given? No; the hon. Member for Oldham looked as immovable as at that moment. He knew that the hon. Member for the West Riding would not exclude the Bible from any school under his own control; but was it fit that, whatever might be done by individuals, the nation should adopt a proposition which would practically exclude the Bible as well as the catechism, and all other religious instruction, from the schools of the nation? He would not repeat the arguments used by the hon. and learned Solicitor General, for no man could follow him on such a subject without great disadvantage. A speech more philosophical, or more filled with religious principle and practical good sense, he had not heard in that House; and he congratulated the Government on having such a cause so defended by one of their chief officers. He had not been aware that this discussion would come on to-night; but he had so often declared in the House the principles which guided him in the consideration of this question, that he could at once re-state his case. He did not regard mere knowledge in itself as a benefit, but rather as an unmixed evil, when unsanctified by the blessing of God—he did not regard the existence of education without religion as a blessing to a nation or to an individual. The question was not new either to the House or the country. A few years ago attention was called to the subject; and what had been the success of the two different parties competing for public favour? The Earl of Harrowby, when a Member of that House, took the lead in the agitation, for the purpose of calling public attention to the want of Christian education, and a larger sum was raised by voluntary subscription for that object than had been collected, he believed, for any other purpose. What had the Dissenters done? It was only the other day that he saw it stated that they numbered one-half of the population of England. The assertion was ludicrous, and scarcely required comment; but assuming that they amounted to a fifth part, had they contributed a fifth part, or even one-tenth, of the sum raised by general subscription for education? They had not. The proposition of the hon. Member for Oldham, was that the nation, as a nation, should repudiate religion as the foundation of education; and if the hon. Member in his reply should tell him that it would not be excluded from the general teaching of the country, he answered, no thanks to him, for he was doing what he could to exclude it. So far as his Motion was concerned, so far did he exclude it from the national system; and the House was called upon to establish the principle that education would be fitly and properly carried on without that element. He gave the hon. Member for the West Riding credit for not wishing to be a party to support such a proposition; but that was not the question. He did, in fact, support it by voting in favour of a proposition that a nation ought properly to adopt a plan for educating all its subjects without reference to religion. As the hon. and learned Solicitor General had correctly said, the people were called on, in addition to all their voluntary subscriptions for the furtherance of education, which were greater than the State provisions for that object of any other country in the world, to support a rate, the object of which they abhorred. Was that language too strong, when it was considered that the plan of the hon. Member for Oldham proposed to compel a Christian parent to pay for the education of his own children, or the children of his neighbours, with an utter absence of all those hopes and lessons of wisdom which the Bible alone could give, and leave them to chance—aye, chance—for instruction in that which alone rendered knowledge precious, and life valuable? If they compelled a parish, or the thousands of parishes in England, to support a system which the major part of the inhabitants abominated, could they justify the attempt by "a plea on behalf of liberty of conscience?" and, if successful, were they not doing that which, as far as in them lay, would bring up a generation of infidels? He regretted that his right hon. Friend and Colleague (Mr. Gladstone) was not then present in the House; and he was authorised by his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) to express his regret that he also was absent, from indisposition; but he (Sir R. H. Inglis) felt that the sentiments of both his right hon. Friends had been so fully and completely expressed in this House upon the subject, that it would be well understood that nothing but unavoidable absence had prevented them from making their statements to the House on this occasion. The hon. Member for the West Riding (Mr. Cobden) had asked them what a stranger was likely to think who had entered that House for a first time, and listened to the debate of that night? But he (Sir R. Inglis) would ask, could the stranger have supposed it possible that this question having no longer ago than the 5th of June last been discussed and decided by a majority of 287 against 58 for the proposal of the hon. Member for Oldham [see 3 *Hansard*, cxi. 756], they would so soon have had it again brought under the consideration of the House? And let the House bear this in mind, that what the hon. Member then desired to engage the House to recognise and admit was in the shape of a Bill, on which, even if the second reading had been agreed to, the House might have had some *locus penitentiæ* in the future stages; but they had now to deal with a Resolution which contained the very essense of that Bill, and committed the House to the whole principle; and he did trust that there would be such a majority recorded against it that they would not again hear of the subject another year. The hon. Member for the West Riding had alluded to the Irish Colleges, in which he said the principle of the Member for Oldham's plan was embodied and in practical operation. Upon that subject he (Sir R. Inglis) saw no reason to alter the views he had once expressed; but if he believed it to be an evil in the case of Ireland, it was not the fact of its having been adopted in Ireland that would justify him in giving his consent to its adoption in England. On the contrary, in exact proportion as he saw encouragement given to it elsewhere, in that exact proportion was he bound to resist its introduction here. With the deep conviction on his mind that the proposition—plausible to some minds, but little adapted to catch the feelings or the principles of the great body of the people of England—was itself of a most deleterious character, he did trust that the House would reject it now as they did the kindred Motion last year; and that if it were again brought forward it would again be rejected by such majorities as to prove that this House at least recognised the principle of Christian and religious education, and that they would not sanction any plan of education for their fellow-subjects which was not founded on the love and fear of God, our Creator and our Redeemer.

MR. SIDNEY HERBERT said, with respect to the remark made by the hon. Member for the West Riding, as to the impression which would be made upon a stranger, listening to the speeches which had been addressed to the House that night, he entirely agreed as to the views which that stranger was likely to take. He (Mr. S. Herbert) thought that any stranger listening to the debate would suppose the hon. Gentleman (Mr. W. J. Fox) was desirous of abolishing the Established Church of this country. Such a person, knowing the general tone of opinion held by hon. Members occupying the different benches of that House, would justly and naturally conclude that that was the object, as it would be the result, of such a system wherever it was introduced. He (Mr. S. Herbert) rejoiced at the spirit of toleration which had been displayed on the subject of education, but protested against people arguing this question by appealing to the amount of ignorance and vice existing in this country, as though they alone were the persons who objected to ignorance and who detested vice, and that if the House did not adopt their system, it would render itself liable to the charge of conniving at that ignorance and vice. He apprehended there was no question on which there was such unanimous agreement in that House and in the country, as that, first, that education must be extended; and, secondly, that that education, differing entirely from that proposed by the hon. Member for Oldham, must be not only secular but likewise religious. The hon. Member for the West Riding of Yorkshire (Mr. Cobden) had referred to the system of education pursued in Massachusetts; but there was a difference of habits in a new as distinguished from an old country, and that system which was applicable to the one was almost necessarily inapplicable to the other; and the hon. Gentleman forgot that he was contemplating Massachusetts instead of England. The hon. Member said, in the schools at Massachusetts the Bible was universally read, without any comments being made by the teachers. He (Mr. S. Herbert) believed that was contrary to the rule involved in the system proposed by the hon. Member for Oldham. Now he (Mr. S. Herbert) defied them to read the Bible in schools without note or comment. They might as well put a Hebrew or a Greek book into a child's hands to read without assistance, as to endeavour to teach a child the Bible without note or comment. And, moreover, he would tell them this—that if, on the other hand, they excluded the Bible from their system of education, they would not get children to come to their schools. When the hon. Gentleman said that he did not wish to do away with the voluntary system of education, he would beg to ask what private individual could enter into competition with the State? For should his plan be adopted, none but State schools could exist. The Irish system of education had been referred to in the course of the debate. He did not disapprove of the Irish system; on the contrary, he would adduce it as an argument against the proposition of the hon. Member for Oldham. It was not true that that was a system from which religion was excluded—he would venture to say, if the hon. Gentleman would go into the national schools of Ireland—he did not say all, but most of those schools—he would be forced to admit that an Irish child educated there would stand a better examination in scriptural reading and scriptural knowledge than an English child. That which was taught to them in those schools they knew better, partly because there was a greater aptitude for learning in an Irish child than an English one, and partly because there was a greater aptitude on the part of the instructors there; but he denied that there was an exclusion of religious teaching in those schools. In addition to that, probably in no University, so far as they had yet gone, had the principle of imparting religious instruction to young men of different religious persuasions been so well recognised as in the new Queen's Universities in Ireland. It had been asked in the course of the debate—What were the clergy doing? Now, he was able to quote from the evidence of Mr. Moseley, one of the inspectors of schools, that the proportion of expenditure applied to the purposes of education by the clergy in England, greatly exceeded their fair share in proportion to their incomes, and greatly exceeded the share given by persons from whose position in society larger contributions might have been expected. He thought the clergy, as a body, had been most unjustly held up as the enemies of popular education. He believed the clergy devoted their time to the education of the poor to an extent which was not generally believed. In towns they were inadequate to the work, from the number of the flocks; but he trusted this defect would soon be remedied. The hon. Member for the West Riding of Yorkshire had contrasted the intellectual condition of a manufacturing with that of a rural population. He (Mr. S. Herbert) believed it to be perfectly true that there was a much greater sharpness of intellect and a greater keenness of wit in a town than in an agricultural population. That was the very result of their aggregation in large masses and of the nature of their employment, which had a tendency to develop their intellect; but it must be admitted at the same time, that there existed in towns an opposite extreme which did not prevail in agricultural districts. He contended that no system of education could be successful which was not founded on the full development of the religious system of each religious denomination. He was a Churchman, but he did not undervalue the labours of the Dissenting bodies of this country. He knew how much the country was indebted to them; but the Church is the larger body, and must take the larger share of the work. He hoped those differences which had existed between the Committee of Education of the Privy Council, and some of the educational bodies in this country, might be soon terminated. He felt certain that a great deal of the difficulties which had been experienced between the Committee of Education and those bodies might be got rid of: the disagreements were really not so great as they were imagined to be. He believed everything that the Committee of Education wished to see adopted, they might have attained through the means of simple recommendations, though they have failed in carrying out the same measures, the adoption of which they insisted upon. It was an invasion of our old municipal and parochial systems to have particular stipulations enforced from a central board; and he repeated his belief that the Committee of Education would have succeeded better in carrying out their objects if their wishes had been conveyed in the form of simple recommendations, instead of orders. They could not get rid of religious differences by excluding all the different opinions held by different denominations, or by paring them down to a form to which none of them would submit. The hon. Gentleman (Mr. Cobden) had adverted to the congregation of immense numbers of persons, mostly from the sister country, in the large towns of the kingdom. Any one wishing to be acquainted with the condition of those large masses of the population should read the testimony of the Hon. and Rev. Baptist Noel, who said there was that lack of religious and educational knowledge in this country which produced the greatest amount of practical heathenism. He (Mr S. Herbert) looked with very great alarm on the great increase of that class of the population, from the absence of religious instruction in the large towns in which they were collected; and if it were for no other reason than that, he hoped the Government would apply themselves to the discovery of some method of increasing the amount of religious instruction, without invading the religious feelings of the country in the way proposed by the Motion before the House. Whatever religious education was to be got by the children of the poor man, was to be got at the school, and the school only. The parents were at work, and the child at a certain age was carried off from school to work also; and if they placed the child of a poor man at school, which was the place where he got the whole of his religious education, and at the same time forbade instruction in religion while he was at school, they were practically debarring him from all religious instruction whatever. They had it on divine authority, "Suffer little children to come unto me;" but by this process they said that little children should not come to be taught religious knowledge. He submitted that such a system tended to dry up the very sources of salvation. If they excluded all religious instruction from the school, they would virtually deprive the children of the poor of all chance of being grounded in the simplest elements of Christianity. On these grounds he should vote against the Motion of the hon. Member for Oldham.

MR. HEYWORTH expressed his conviction that the noble and generous principle of voluntaryism would ultimately succeed in giving to the people of this country all the education they would receive, and would give it to them of the best possible kind. It was a delusion to say that they were giving a gratuitous education to the poor if they gave it through the medium of taxation, because there was no mode of taxation which they could adopt which did not ultimately fall on the shoulders of the labouring man. There were hundreds and thousands who contributed voluntarily and with pleasure to promote the cause of education among the people. He himself did not give less than 200*l.* a year towards voluntary education, and he gave it from the principle of self-love. If they levied a tax for the purposes of education, they would stop the issues of the voluntary system. He thought the system proposed by the hon. Member for Oldham was a vicious one, and he would vote against it.

Mr. W. J. FOX, in reply, said, when he considered the principle on which the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) avowedly started, viz., that knowledge was an evil unmixed, he ceased to wonder at the astounding apprehensions which the hon. Baronet entertained with regard to the measure which he (Mr. W. J. Fox) wished to introduce. He hoped, however, that the hon. Baronet was singular in that view. From what had passed in the debate, it might have been supposed they were discussing church extension rather than the question of education. He (Mr. W. J. Fox) agreed thus far with the hon. Member for Maidstone (Mr. A. B. Hope), that they could not separate religious from secular education. He believed that no man engaged in any study whatever without having a religious tendency; but everybody knew the distinction that was made between religious and secular education in the ordinary concerns of life, and he thought it not a little hard that that distinction, which was so common, should have been fixed as an imputation on those who supported the proposition which he had brought before the House. He was brought up with religious views different from those of a majority of that House; but his notion of a Church was that they brought within its fold not only the sheep, but the lambs—not only the adults, but the children; and his great object was to extend to all of them the blessings of education. It had been said, that this was a Motion to exclude religion—it might as well have been said it was a Motion to exclude the sun. He did not propose to leave out religion as one of the means of developing the whole of a human being's nature, but he maintained that the minister of religion and the parent could alone give religious education to a child. As to the Bible, wherever it could be read, so as not to have the effect of exclusion, he thought it was desirable and useful that it should be read; but he would not consent to its being the means of exclusion to the children of any class whatever.

The House divided:—Ayes 49; Noes 139: Majority 90.

List of the AYES.

Adderley, C. B.
Anstey, T. C.
Bass, M. T.
Berkeley, hon. H. F.
Blake, M. J.
Blewitt, R. J.
Brotherton, J.
Clay, J.
Cobden, R.
Davie, Sir H. R. F.
Ellis, J.
Ewart, W.
Fergus, J.
Geach, C.
Gibson, rt. hon. T. M.
Grace, O. D. J.
Greene, J.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Hindley, C.
Hutt, W.
Lushington, C.
Melgund, Visct.
Mitchell, T. A.
O'Brien, J.
Pechell, Sir G. B.
Power, Dr.
Rawdon, Col.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Spearman, H. J.
Talbot, J. H.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. G.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Wilson, M.

TELLERS.

Fox, W. J.
Hume, J.

List of the NOES.

Acland, Sir T. D.
Ashley, Lord
Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, rt. hon. Sir F. T
Bellew, R. M.
Bennet, P.
Berkeley, Adm.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Booth, Sir R. G.
Boyle, hon. Col.
Broadley, H.
Brockman, E. D.
Bruce, C. L. C.
Burke, Sir T. J.
Burrell, Sir C. M.
Burroughes, H. N.
Childs, S.
Cockburn, Sir A. J. E.
Craig, Sir W. G.
Crowder, R. B.
Denison, J. E.
Dodd, G.
Drummond, H. H.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Elliott, hon. J. E.
Evelyn, W. J.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, rt. hon. J. W.
Forbes, W.
Forester, hon. G. C. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Gladstone, rt. hon. W. E.
Goold, W.
Gordon, Adm.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hanmer, Sir J.
Hatchell, rt. hon. J.
Hawes, B.
Heald, J.
Henley, J. W.
Herbert, rt. hon. S.
Heyworth, L.

Hodges, T. L.
Hope, A.
Hotham, Lord
Howard, hon. C. W. G.
Inglis, Sir R. H.
Johnstone, Sir J.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Long, W.
Mackie, J.
Macnaghten, Sir E.
Magan, W. H.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Meux, Sir H.
Moody, C. A.
Morgan, O.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Napier, J.
Nicholl, rt. hon. J.
O'Brien, Sir L.
O'Connell, J.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord C.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Perfect, R.
Pigott, F.
Pilkington, J.
Plumptre, J. P.
Price, Sir R.
Prime, R.
Pugh, D.
Rice, E. R.
Richards, R.
Rushout, Capt.
Russell, Lord J.
St. George, C.
Seaham, Visct.
Seymour, Lord
Smith, rt. hon. R. V.
Smollett, A.
Somerville, rt. hon. Sir W.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Sutton, J. H. M.
Talbot, C. R. M.
Taylor, T. E.
Tollemache, J.
Townshend, Capt.
Tyler, Sir G.
Vesey, hon. T.
Villiers, Visct.
Walter, J.
Wegg-Prosser, F. R.
Westhead, J. P. B.
Wigram, L. T.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wynn, H. W. W.

TELLERS.
Hayter, W. G.
Hill, Lord M.

HOPS.

MR. T. L. HODGES then rose to move for leave to bring in a Bill to reduce the excise duty on hops. The object of the Bill which he proposed to introduce, if the House would allow him, was to reduce the excise duty on British hops from 2*d.* to 1*d.* per pound; the duty at present owing to Government to be paid in full. The duty on hops was a very ancient source of revenue to the Crown. They were originally imported from Flanders, but at last some enterprising Englishmen brought over the plant, and from that time they had been largely grown in England. In 1711 a duty of 1*d.* a pound was imposed upon British, and 3*d.* a pound on foreign hops. In 1804 Mr. Pitt doubled the duty on English hops, and raised that on foreign hops considerably. At the time that the duty on British hops was thus increased, there was an artificial rise in the prices of agricultural produce, from the effect of the paper currency, sufficient to justify the measure. But when that currency ceased in 1819, the difficulty of paying this double duty commenced, and had gone on increasing. Notwithstanding this, however, and the fact that the duty on foreign hops had been since reduced, the double duty on British hops had been maintained. He felt convinced, however, that the farmers would not much longer have the means of meeting the demand; and he hoped that the House would therefore allow him to bring in a Bill to reduce the duty, and at the same time to put an end to the system of credit in the payment of the duties which had proved so onerous to the growers. Against that system the Commissioners of Excise had expressed a strong opinion in their sixteenth report, and had recommended that arrangements should be adopted, by which the collection of this duty should be assimilated to that of other excise duties. His Bill would have only one enacting clause—to reduce the duty to 1*d.*, and to make that duty payable within the year that the crop was grown. This would only be doing justice to the consumer, while it would relieve the hop-planter most effectually.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill for the reduction of the Excise Duty on Hops."

The CHANCELLOR OF THE EXCHEQUER said, that he could not, consistently with his public duty, agree to the Motion of his hon. Friend. He was willing to admit that his hon. Friend's proposal was not open to the objections which had been taken to former Motions of the same kind, for he did not propose to put a second time into the pockets of the hop growers the duty which they had already received from the consumers. He quite concurred with his hon. Friend that the system of extended credit given to the hop growers (at their own request, however), had proved a most mischievous boon to them, and that it would be a great advantage to them that it should be put an end to. Had his hon. Friend merely proposed to effect that object, the Government would not have opposed the Motion; but he proposed also to reduce the duty, which was quite a distinct question. His hon. Friend said, that at the time the protecting duty on foreign hops was reduced, that on home-grown hops was not. When, however, a duty was prohibitory, it signified little what was its amount, and that the duty on foreign hops was now as nearly prohibitory as possible, was shown by the fact that while 48,000,000 pounds of home-grown hops paid duty last year, only

250,000 lbs. of foreign hops came in. The argument which his hon. Friend grounded upon the reduction of the protective duty, would not, therefore, stand him in much stead. If his proposition had been to reduce somewhat the duty on both home-grown and foreign hops in favour of the consumer, there would have been something in its favour. But the present proposition was to reduce the duty on home-grown hops, leaving that on foreign hops as at present—prohibitory; the effect of which would be simply to put into the pocket of the producer the amount of the difference between the present duty and that which was proposed. Everybody who had considered a subject of this kind must admit that when a party was in possession of a monopoly, the duty they paid was, one year with another, reimbursed to them by the consumer. No drug came into competition with hops, and the producer therefore enjoyed a complete monopoly. He quite admitted that there were some exceptional circumstances in which the producer paid the duty; and he would state to the House in what they consisted. They had been created by the hop growers themselves, who had brought into cultivation a greater quantity of land than formerly, and had by this means, and by improved cultivation, in fact, increased the produce far beyond the demand of the country. Without troubling the House with many figures, he would show them how this was so, and he would in the first place premise that since the year 1830, with the exception of 1847, the duty on hops had been regularly paid. Taking the three years, 1843, 1844, and 1845, the production of hops had been 30,000,000 lbs. In 1843, the price of hops was 120*s.* per cwt.; and in 1845 it had risen to 150*s.* per cwt. The hop growers, under these apparently favourable circumstances, thought it advisable to increase the produce, and brought fresh land into cultivation. So in 1846, 1847, and 1848, the production of hops was nearly 47,000,000 lbs.; the consequence was a fall to 75*s.* a cwt. in the year 1847. This depreciation took place before a single bag of foreign hops came in, for the first importation took place in 1849. In 1849, there was a rise again in the price, which led to the experiment of bringing in a very insignificant quantity of foreign hops. In 1850 the produce was 48,000,000 lbs.; the consequence was another great fall in the price. His hon. Friend had spoken of the inevitable ruin which would ensue from the payment of the duty now due; but he must warn the House against such representations. They had been repeated year after year. In the autumn of 1848, a most important deputation waited upon him. It was composed of noble Lords, Members of Parliament, bankers, landowners, country gentlemen, solicitors, clergymen, and a considerable number of hop planters; and his hon. Friend (Mr. Hodges) acted as the master of the ceremonies. The deputation stated that if the payment of the duty was insisted upon, the whole hop-growing interest would be ruined absolutely and entirely, and that the whole population would be thrown out of work. He (the Chancellor of the Exchequer) felt that he was hard-hearted; but he did insist upon the duty, and the consequence was that the 200,000*l.* was all paid up within a month, with the exception of 5,000*l.*, and he could not find that any such consequences as had been anticipated did in fact occur. Much the same thing happened last autumn; and when hon. Gentlemen represented year after year that they would be ruined, and, nevertheless, went on much as before, they could not expect that he could place very implicit reliance on their statements. There was a system of agitation upon this subject going on in the counties of Kent and Sussex, which was anything but creditable to the parties themselves. They held out distinct threats to their tenants, to induce them not to pay. He held in his hand a copy of a letter which had been published in a Sussex paper by a gentleman named Neve, who was agent to some gentlemen in that county, and which he would read to the House:—

> "Benenden, Staplehurst, Nov. 16, 1850.
>
> "Sir—As the collection of the hop duty will take place previous to Mr. Moorland's rent audit, I am directed by him to inform his tenants that those of them who pay their hop duty he will expect to pay their rent; therefore those who cannot pay both, I hope will see it right to pay their rent first, and let the Government have the odium of putting in distresses, if they think fit to resort to such extremity. In adopting this course, I have no hesitation in saying that Mr. Moorland, as well as other landlords, is acting under my advice in this matter. "THOMAS NEVE."

Now that was the duty of two years back. He did not think that such a proposition was fair. The hon. Gentleman knew, perhaps, who Mr. Neve was?

MR. HODGES: He is my steward.

The CHANCELLOR OF THE EXCHE-

QUER: Let the House bear in mind that this was written with regard to the duty, which, although received by the grower on the sale of his hops, which were sold at duty-paid prices, had been held by him, for his own benefit, for no less than two years. In his Budget he had left himself with a probable surplus for the next year of 350,000*l*. If he consented to this Motion, he should reduce the revenue by 400,000*l*., and leave himself unable to fulfil his promises. Upon these grounds, therefore, he resisted the Motion of the hon. Member.

Mr. A. B. HOPE said, the right hon. Gentleman the Chancellor of the Exchequer appeared to consider it a good joke when he acquainted the House with the result of his hard-heartedness in extracting the hop duty out of persons who said that they would be utterly ruined if he persevered. No doubt the hop growers had paid the duty—they had paid it out of their capital. However, all things had an end, and the right hon. Gentleman might be assured of this—that the smash, when it came, would only be the greater. But if all the right hon. Gentleman had said were true, what did it amount to? Merely this—the men of Kent (under circumstances of extreme suffering and distress) paid the hop duty, and they got laughed at by the Chancellor of the Exchequer for their honesty. If the right hon. Gentleman bought a farm in Kent, and took to hop growing, he would come back to the House with new ears and eyes, an addition which would unquestionably be useful to him. He had taunted them with having brought forward many propositions. It was true that they had; but if the Government had proposed some remedy—as it was their duty—the representatives of the hop growers would be saved the odium of presenting to the House a multitude of schemes. With regard to the taunt of over-production, if the right hon. Gentleman took the farm to which he alluded, he would find out that there was no crop which depended more upon the fluctuations of the weather; a single unfavourable night was sufficient to ruin it entirely. Had they, then, the command of the winds and weather?—could they know the exact amount of land to put into cultivation? In conclusion, he would support the Motion of his hon. Friend (Mr. Hodges).

Mr. BASS wished to refer to a former speech of his, which had been wrongly construed by the noble Lord the Member for Colchester (Lord John Manners). Upon that occasion, he (Mr. Bass) had not contended that it was the importation of foreign hops which led to a diminished cultivation—a reason which had been put forward on the other side as the main one for the admitted suffering of the hop growers. He had, on the contrary, endeavoured to show that it was the extreme fluctuations of the plant which led to this distress. What were the facts? Why, in 1837, there were 56,000 acres of land in cultivation for hops; in 1843, there were only 43,000 acres; in 1847, there were 52,000 acres; and in 1850 the number had again fallen to 43,000 acres. In his opinion, it was mainly the producer who paid the duty. That might seem a contradiction in political economy; but a few words would show that, owing to the extreme fluctuation of the plant, the fact was so. In 1843, 44,000 acres produced only 62,000*l*. of duty, while in 1847 the same number of acres produced 424,000*l*. of duty. One year with another, therefore, it was the producer who paid the duty, especially when it was remembered that the price of the crop fluctuated from 3*l*. a ton to 30*l*.

Sir EDMUND FILMER, as Member for West Kent, would feel ashamed if he did not support the Motion before the House. He believed he might defy the right hon. the Chancellor of the Exchequer to go into the Weald of Kent, or Mid-Kent, and find a tenant who had not for the last two years paid his rent out of capital, and not from his profits.

Mr. FULLER considered that if they did not take off 1*d*. in the pound, they ought at least to make the protecting duty 3*l*. 5*s*. instead of 2*l*. 5*s*. Foreign hops paid the same excise duty when taken out of bond as was now paid by the English grown at the end of the year, whether sold or not. There were about 7,100 growers of hops, and 1,000,000 of people were employed in the cultivation. The war tax was imposed on hops by the Addington Administration, when hops were sold at from 10*l*. to 15*l*. per cwt. Hops had not fetched since 1845 5*l*. per cwt. A relation of his, during the Earl of Liverpool's Administration got 1*d*. in the pound taken off. As his Lordship was a hop grower himself, he knew how uncertain the growth of hops was; and he (Mr. Fuller) wished the right hon. the Chancellor of the Exchequer grew hops, for he would then know how the hop grower suffered. He

(Mr. Fuller) was confident if 10*d.* a quarter was taken off malt, and 1*d.* per pound off hops, the consumption would be so great that the revenue would not suffer to any great extent; for when the duty was taken off spirits the consumption doubled and trebled. The hop manufacturer paid heavily in land-tax, tithes, and rates, and for the raw material of his manufacture on the land; yet not only was he heavily taxed, but taxed before he could bring his commodity to market. The cotton manufacturer, on the other hand, paid no tax whatever; his raw material was free of duty, at the expense of 20,000,000*l.* to the whole community. He thought this was not fair dealing between the hop grower and the cotton manufacturer.

Colonel SIBTHORP was always an humble but persevering supporter of any proposition for the relief of the agricultural interests; but when he saw hon. Members giving their votes in favour of a Government which opposed every suggestion for that purpose, he could not reconcile himself to vote in favour of a partial measure introduced by such hon. Members. If his hon. Friend opposite (Mr. Hodges) was to disengage himself from his present company—*noscitur a sociis*, and bring forward a general measure for the relief of all classes, he should have his support, but not otherwise. If the hon. Gentleman would not leave his present bad company, he could not expect support from that (the Protectionist) side of the House.

Mr. FREWEN said, after what had fallen from the hon. and gallant Member for Lincoln, he could not but express his regret also that the hon. Gentleman (Mr. Hodges) always opposed the Motions made in that House for the relief of agriculture. He thought there was no part of the kingdom in which so much distress existed as in the hop districts. There was no tax so unjust as that, and it was the only one which remained unrepealed since the war. He had his doubts as to the accuracy of the prices of hops during the former years as stated by the right hon. Chancellor of the Exchequer. He did not know upon what authority the right hon. Gentleman had made his statement. One house in the borough might tell one thing, and another another thing; but a good deal depended upon the quality of the hops taken. Even in one year the hops grown in one part of the country brought a much higher price than those grown in another. He had heard of so much as 6*l.* 10*s.* being paid in Sussex, but the average price was only 3*l.* 7*s.* The planters in the Weald of Kent must have lost at least 1*l.* per acre on an average. One great claim which the hop planters had on Government for a reduction of duty was founded upon the precarious nature of the crop. When the hop growers got the lowest price for their hops, they had the highest amount of duty to pay; and he therefore hoped the Government would take the case into their earliest consideration. He (Mr. Frewen) doubted if a single landowner received, in the Rape of Hastings, one quarter of his rental for 1850.

Mr. COBDEN said, he could not understand the tactics of the friends and advisers of the hop growers, because they asked for everything that was impracticable, and would not allow those who were disposed to vote for the removal of the excise tax, through their advocacy of a principle that no one could approve. Why, here was a tax producing little more than 300,000*l.* a year, and they had a whole army of taxgatherers to collect it, spread over only four or five counties; and nothing so barbarous could scarcely be conceived out of Turkey as the system they had of levying a tax so small in amount. Why, if the hop growers of Kent, Sussex, and elsewhere would only unite amongst themselves on a common principle to do away with this impost altogether, nothing would be easier than for them to succeed in it; but there were some great growers of hops in certain parts of Kent who did not want the duty to be taken off, and some others said they would not have the whole repealed, but only one-half; and then they mixed the question up with some childish fears about free-trade principles. He (Mr. Cobden felt naturally some sympathy with the growers of Sussex; but if they wanted to get relieved, they must go for the total abolition, and then they would have the support of the free-traders. So long as they made two bites of a cherry, and wanted to keep up the whole of the machinery to get in only half the tax, they might depend upon it no Chancellor of the Exchequer would compromise his character by dealing with the matter in that way; and if he should, that House ought not to be inclined to support him in it.

Mr. PLUMPTRE, from his connexion with the hop growers of East Kent, could state that they would be glad to have the penny in the pound taken off, which the hon. Gentleman (Mr. Hodges) proposed; and therefore he should cordially support the Motion.

Mr. HODGES, in reply, said, with respect to the letter from Mr. Neve, he had heard nothing of it until he had seen it in a newspaper.

Question put, "That leave be given to bring in the Bill."

The House divided:—Ayes 27; Noes 88: Majority 61.

List of the Ayes.

Baldock, E. H.
Bass, M. T.
Bennet, P.
Blackstone, W. S.
Booth, Sir R. G.
Child, S.
Dodd, G.
Frewen, C. H.
Fuller, A. E.
Goold, W.
Hamilton, Lord C.
Hodgson, W. N.
Hope, A.
Lennox, Lord A. G.
Mullings, J. R.
Plumptre, J. P.
Portal, M.
Rushout, Capt.
Scholefield, W.
Spooner, R.
Stanford, J. F.
Talbot, C. R. M.
Tyler, Sir G.
Waddington, H. S.
Wakley, T.
Wegg-Prosser, F. R.
Wynn, H. W. W.

TELLERS.

Hodges, T. L.
Filmer, Sir E.

List of the Noes.

Ashley, Lord
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bell, J.
Bellew, R. M.
Blake, M. J.
Boyle, hon. Col.
Brotherton, J.
Buller, Sir J. Y.
Clay, J.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, Sir A. J. E.
Coke, Hon. E. K.
Craig, Sir W. G.
Crowder, R. B.
Dawson, hon. T. V.
Drumlanrig, Visct.
Drummond, H. H.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Farrer, J.
Fellowes, E.
Fordyce, A. D.
Fox, W. J.
Gallwey, Sir W. P.
Geach, C.
Grenfell, C. W.
Grey, rt. hon. Sir J.
Grey, R. W.
Hanmer, Sir J.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Howard, hon. C. W. G.
Howard, Sir R.
Hume, J.
Hutt, W.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lushington, C.
Mackie, J.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Nicholl, rt. hon. J.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pigott, F.
Pilkington, J.
Price, Sir R.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Seymour, H. D.
Seymour, Lord
Sheridan, R. B.
Smith, M. T.
Smollett, A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanley, E.
Stuart, H.
Thompson, Col.
Westhead, J. P. B.
Willcox, B. M.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

KENSINGTON GARDENS.

Mr. HUME moved for a copy of the Order in Council, or Letter from the Treasury, sanctioning the alterations lately made in Kensington Gardens by the First Commissioner of the Woods and Forests.

Motion made, and Question proposed—

> "That an humble address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Order in Council, or Letter from the Treasury, sanctioning the alterations lately made in Kensington Gardens by the First Commissioner of the Woods and Forests:
>
> "And, Copy or Extract of any Memorial or application made to the Lords of the Treasury, or to the Commissioners of the Woods and Forests, for permission for horsemen to ride in Kensington Gardens."

Lord SEYMOUR said, that he was unable to comply with the Motion of the hon. Member. No order in Council or letter from the Treasury had been issued on the subject. The pleasure of Her Majesty had been made known, and the object had been carried into effect by an order from the Commissioners of Woods and Forests.

Mr. HUME said, he was informed that the alterations and arrangements which been made, ought not to have been carried out without, at all events, an order from the Treasury.

The CHANCELLOR of the EXCHEQUER: My hon. Friend behind me is quite mistaken on that point.

Mr. HUME said, that he believed the proceedings that had been adopted were, then, illegal. However, if there were no documents to produce, it would not be of any use that he should press his Motion. He would, therefore, withdraw it.

Mr. COBDEN said, that the equestrians had been admitted into Kensington Gardens under a misapprehension of the inconvenience which the Exhibition would occasion in Rotten-row. If, when the matter was first talked of, it had been known that there would be no more interruption to the equestrians in the Park than there was now, Kensington Gardens, in all probability, would not have been conceded to them. At all events, he hoped that it would only be considered as a temporary concession. The Exhibition had now realised the expectations of every one, and everybody would feel a pleasure in submitting to some inconvenience to promote such an object; but after this year he hoped that Kensigton Gardens would be given up to their original object.

Colonel SIBTHORP denied that the Exhibition had realised any such expectations as the hon. Member for the West Riding had referred to. He was justified in making that denial, and every day produced some fresh conviction on his mind that his own impressions were right on this subject. He considered that the tradesmen of this metropolis had been grossly insulted in this matter—that which he felt much disposed to term a gross fraud had been practised upon them. In these days —these days of novelties—people seemed to have no hesitation in making every possible inroad upon the rights, properties, and liberties of Her Majesty's subjects; and they were deprived, without the hope of redress, of the rational enjoyment of these parks and gardens to which they had been so long accustomed. The Government, in order to get a little dirty and fleeting popularity, had made this innovation in Kensington Gardens. As for the building in Hyde Park, he never looked at it, except from a distance; but he always considered it a disgrace to a free country, and he regretted to find the foreigner patronised, to the injury of the heavily-taxed people of this country. People walked heedlessly in and out of that building without ever appearing to think of the money which it would be the means of tearing from the pockets of Englishmen, and all for the mere purpose of bringing together so much trumpery and trash. The ceremony on its opening he considered a desecration of religion. He must say he had much regretted to see the justly-venerated head of the Protestant Church of this country in the position in which he was placed at the inauguration of this affair. Crowds went to admire it, but they might collect crowds in any square to look at a dead cat, for, according to the old saying, one fool made many. The day would arrive—let them depend upon it—when the trade of this country, which ought to be supported in preference to that of the foreigner, would feel a stagnation for, perhaps, several years as the result of this Exhibition. He regretted the encouragement that had been given to such a measure; but it was a source of no little satisfaction to himself that he had done everything in his power to check it—to check that which he solemnly believed would be a great curse, morally, socially, and religiously, to this country.

Lord CLAUDE HAMILTON rejoiced in the success which had attended the magnificent experiment of the Great Exhibition; but the main object they all had in view still remained to be carried out, namely, the providing free and unrestrained access for the great multitudes of persons who had hitherto been kept back from visiting the Exhibition from the high prices. It would also be desirable to consider whether the present number of admission doors would in future be sufficient.

Mr. LABOUCHERE said, the circumstance adverted to by the noble Lord had not escaped the attention of the Commissioners; for that morning, in conjunction with the representatives of the railways, they took into consideration the most convenient mode, in reference to the parties themselves and the preservation of the public peace, of accommodating the vast multitudes whom the diminished price of admission might be expected to attract to the Exhibition. Without entering into a controversy with the hon. and gallant Colonel (Colonel Sibthorp), he must express the great satisfaction with which he saw the magnificent spectacle now exhibited in Hyde Park, which, besides being a source of rational pleasure, would tend, he believed, to very permanent benefit to the people of this and other countries.

Mr. LUSHINGTON begged to express on the part of many of his constituents, and many of the inhabitants of Kensington, Bayswater, and Notting Hill, the great dissatisfaction with which they viewed the manner in which they had been deprived of the enjoyment of the quiet retirement of Kensington Gardens. The noble Lord (Lord Seymour) had taken occasion on a former evening to sneer at what he was pleased to term " the aristocracy of Bayswater." Now, he (Mr. Lushington) did not profess to stand there as the representative of their aristocracy—he, rather, represented their democracy; this, however, he would say, that the inhabitants of the district in which the gardens were situated, were thoroughly disgusted with the proceedings which had taken place under the sanction of the noble Lord.

Motion, by leave, *withdrawn.*

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Friday, May 23, 1851.

MINUTES.] PUBLIC BILLS.—2ª Ministers Widows and Orphans Fund of the Free Church of Scotland.
3ª Royal Naval School.

REGISTRATION OF ASSURANCES BILL.

The LORD CHANCELLOR presented a petition against the Bill for the Registration of Assurances of Land. In doing so, his Lordship, who was very indistinctly heard, stated that, while he approved of the principle of the measure, there were many portions of it which he thought liable to objection, and to which he was not prepared to assent.

LORD CAMPBELL expressed his disappointment at hearing these sentiments from his noble Friend, whose support he had expected to receive. The Bill was founded upon the recommendation of a Commission which had emanated from his noble Friend; it had been carefully considered by a Select Committee of their Lordships, and had been received with approbation on both sides of the House.

LORD FEVERSHAM said, that, although there had as yet been no division upon this Bill, it must not be assumed that there was no difference of opinion amongst their Lordships with respect to it. The noble and learned Lord was equally mistaken in supposing that the measure, as had been stated, was opposed only by the country solicitors; the small landowners were unfriendly to it, on account of the probable expense of lodging their title-deeds in a metropolitan registry office, if, as it appeared, that expense was to be borne by the landed interest. He hoped, too, that the noble Lord opposite (Lord Campbell) would be able to tell them what would be the size and expense, and where the locality, of a building capable of holding all the titles that now were or ever would be in existence? It must be one only inferior in size to the Crystal Palace, which was now exciting, and justly, the admiration of the whole civilised world.

LORD BEAUMONT said, that the course taken by the noble and learned Lord on the woolsack appeared to him to be scarcely a fair one. The Bill was founded upon the report of a Commission appointed three years ago, and had been referred to a Select Committee of the House while the Bill was under consideration. The noble and learned Lord took an objection to the plan of registration by maps; upon this a discussion took place, and this having terminated in the rejection of the plan, the noble and learned Lord quitted the Committee without bringing forward any further objections, but leaving the Committee under the impression that he approved of the Bill. Now, he thought that the Committee was the proper place for the noble Lord to have brought forward whatever objections he entertained to the Bill, and he thought this mode of proceeding was not altogether fair. It was not intended by this Bill to bring the title-deeds of all estates up to London, as his noble Friend opposite (Lord Faversham) supposed. If his noble Friend sold his estate after the Bill passed, there would still be the same examination into the title as at present; but the purchaser would then gain such a title as would enable him hereafter to deal with the property much more easily and rapidly than the noble Lord could at present do, however long his family might have been in possession of the estate. In the North Riding of Yorkshire, where a system of registration existed, it was optional to deposit either the title-deeds or a memorial of them; but it had there been found convenient, in cases where large estates were sold in small portions, to deposit the title-deeds, in order to avoid the expense of covenants to produce the title-deeds. That was a practical instance of what the working of the Bill would be.

The LORD CHANCELLOR said, that had he been better known to their Lordships than he had the good fortune at present to be, he should have been contented to pass by the charge of unfairness which had been brought against him; but his recent introduction to their Lordships' House, and the respect which he entertained for them, led him to value their approbation too highly to allow any one to bring a charge of unfairness against him, for which there was not the slightest ground. He had too many duties to perform in his own peculiar court, and in the appellate jurisdiction of their Lordships' House, to allow him to attend on all the various Committees of the House. When, therefore, the Bill was brought into the House, and he was asked to sit upon the Select Committee to which it was referred, he declined on account of his public duties. In consequence, however, of a request from the Committee, he attended one of their meetings, to state his views with respect to a proposed system of registration, with the accompaniment of plans or maps; and also two other meetings of the Committee, when that subject was very fully discussed before them by two learned gentlemen with great learning and acuteness. Having heard enough to satisfy himself that the plan of registration by maps (against which he was informed that the Committee ultimately decided) was impracticable, and that its effect would be to mystify, complicate, and confuse, he did not attend any further sittings of the Committee; not because he was opposed or indifferent to the Bill, or because he had any covert objection to the Bill to bring forward at a future time, but because his duties in the Court of Chancery, and in the administration of justice in that House, rendered it impossible for him also to attend the Committee. Those who advocated the Bill were too much in the habit of speaking of the opponents of it as the opponents of the entire system of registration. Now, if the plan devised for a system of registration was calculated to accomplish the objects intended to be accomplished by it, he should be most happy to support it; but if a Bill were brought in imperfectly framed for those objects, it was not to be expected even that the friends of a system of registration should give it general support. If the Bill introduced by his noble and learned Friend would accomplish its objects, it would be a great boon to the landed proprietors, and would materially benefit their interests; but if it would not, it might be detrimental instead of beneficial. Why should he be reproached with unfairness in the Committee? Where was the unfairness of which the noble Lord (Lord Beaumont) complained? How did he support his complaint? He had only got the Bill, printed in its present form, the day before yesterday. Since then he had done his best to examine its provisions, and he perceived that it required amendment. He would mention one clause which struck him as improper. It was proposed to be enacted that if a will be made, and be not registered within two years, and the heir-at-law shall in the meantime have disposed of the estate coming to him by descent, that in that case all the titles derived under the will were to be destroyed. Now by will, provision was made for unborn children the issue of marriages, and for absent persons, and yet this Bill would destroy all titles under a will not registered within two years, if some person having a colourable title to the property disposed of it in the meantime. It was true that, if a person was prevented from registration, he might make an affidavit to that effect; but the fact was that those to whom property was bequeathed did not always know of the will, while the heir had that advantage. And yet, because he had stated to their Lordships that he thought the Bill required amendment, his noble Friend who brought in the Bill said that he was surprised that he (the Lord Chancellor) should oppose it. He was not an opponent of registration; and he would assist him to the utmost in carrying a measure for that purpose, seeing, at the same time, that the measure introduced had not an effect exactly the reverse of that intended. He believed that no one was opposed to a general system of registration, if it could be practically carried out in such a manner that its advantages were not counterbalanced by accompanying disadvantages. But the difficulty lay in the details; and it appeared to him that this Bill left that difficulty still to be solved. It provided that certain things should be done by rules, to be framed by the Registrar General, with the approbation of the Lord Chancellor and the Master of the Rolls. Now, he believed those functionaries were incompetent to the performance of that duty, not from want of ability, but from the nature of the inquiry, and the labour that would be required. He thought that the whole question as to whether the Bill would be beneficial or mischievous turned upon the nature of the regulations; and he thought that Parliament should not entrust the framing of these to others. He thought that the Commissioners should have pointed out, not minutely but in substance, what those regulations should be. He could assure his noble and learned Friend (Lord Campbell), that although he might find him objecting to some of the clauses of his Bill, he would also find him giving assistance to him generally, for he was a friend to the system of registration.

LORD BEAUMONT explained that, in what he had said about "unfairness," he did not mean anything personally offensive to the noble and learned Lord. He simply meant that the noble and learned Lord, being a friend to the Bill and of registration, might have done a service to the Bill by endeavouring, in Committee, to render it as perfect as possible, and that he did not think the measure was advanced by the noble Lord reserving his objections until it was before the

House, instead of making them at the earlier stage.

Lord CRANWORTH said, it had appeared to the Select Committee that to have waited until they had maps in existence to suit the exigencies of the case, would have been tantamount to postponing their legislation on this subject *sine die.* As to the details of the measure not having been provided, the nature of the machinery of the Bill was already pointed out, and also the *modus operandi;* but if they had delayed the Bill till the details were all drawn up, they might as well have postponed the question indefinitely. He felt, however, that there was great force in the objection that the Bill had only been laid upon the table yesterday, printed in its amended shape, and it might not, therefore, be expedient to go on with the Committee on the Bill that evening.

DUTY ON GUANO.

The Duke of RICHMOND said, that seeing the noble Earl the Secretary of the Colonies in his place, he wished to ask him the question of which he had privately given him notice. Their Lordships were aware that, a tthe present moment, there had been a very great increase in the importation of guano from various parts of the world, and they were also probably all aware that the Peruvian Government had made a monopoly of their guano, and that, while they could sell the article with a profit at 5*l.* per ton in the port of London, the farmers of England were charged from 9*l.* to 10*l.* per ton by those who held guano. The agriculturists of this country had therefore learnt, with great satisfaction, that there had recently been an important discovery of guano in Western Australia; but they had at the same time learnt from the newspapers, with deep regret, that the Governor of that colony had imposed on the article the enormous export duty of 2*l.* per ton. Now as this country took Australian corn and wool free from all duty, surely it was a little hard on the farmers of England, if they had to put up with the produce of that colony coming here which they would sooner see remaining in that quarter, that, when there was an article which they required, the Government of that colony should be found placing so heavy a duty as 2*l.* a ton upon it. He, therefore, wished to ask the noble Earl if he was aware that the Governor of Western Australia had imposed such a tax, and if so, whether the proceeding met with his approbation? and also to express a hope that the British farmer might at all events be treated with respect to guano in the same way as Australia was treated with regard to the export of corn.

Earl GREY said, in answer to the question of his noble Friend, he begged to inform him that it was perfectly true that a discovery of guano had been made in Western Australia, about 300 miles to the north of Freemantle; and it was also true that a duty of 2*l.* per ton had been imposed by the Governor on the exportation of that article. When the intelligence reached him (Earl Grey), he was of opinion that the duty was a higher duty than ought to be levied. He thought it very fair, considering the great value of the product, and that it existed in a limited quantity, which made it necessary to take measures to prevent its being wasted, that a moderate duty should be charged on the ships going there to export it. In 1844 and 1845, a duty of 1*l.* per ton had been fixed on the exportation of guano from the Cape of Good Hope, and no complaint was made against it; and it seemed to him desirable that the same amount of duty should be adopted in Western Australia; and accordingly, as soon as the intelligence reached him, he had addressed a despatch to the Governor, directing him to reduce the duty to 1*l.* per ton, and at the same time to afford all the facilities in his power to the merchants who wished to embark in the trade, without creating a monopoly for any particular house.

The Duke of RICHMOND was much obliged to the noble Earl for his answer, which, so far as it went, was satisfactory; but in 1844 and 1845, when the duty of 1*l.* was imposed at the Cape, the farmers of England were much abler to pay it than they were now. They were now living in days when they could not get 40*s.* a quarter for their corn, but in 1844 and 1845 they could get 60*s.* a quarter; and if the noble Earl could give them back that price, they would readily pay this 1*l.* or 2*l.* per ton of duty on their guano. He would, at all events, suggest that the noble Earl should give an order at the Custom House—which could not lead to any possible inconvenience—that all those who had been charged 2*l.* per ton by mistake should have 1*l.* of it returned to them, as the overcharge.

Earl GREY said, it was not so easy for him to remedy such a mistake by issuing an order of the kind which the noble Duke suggested; and, if it were done, it would be of little service to the farmer, because, if the 1*l*. were returned, it would only go into the pocket of the shipper.

PENTONVILLE PRISON.

The Bishop of OXFORD wished to put to the noble Earl (Earl Grey) the question of which he had given him notice, on the subject of the alterations in the management of Pentonville Prison; and, in so doing, he should briefly remind their Lordships of what was the origin of the present system of discipline in that prison. In 1842 the Government of the day determined to make an experiment, with the view of reforming, at the same time that they punished, the criminal population; and for this purpose Pentonville Prison was organised, under a despatch from Sir James Graham, dated in December of that year, and administered by a body of Commissioners of high rank and station, including several Members of their Lordships' House, who were appointed to carry out that great experiment. The principle of what was laid down in that despatch to govern the experiment, was especially this—that in the first place only these prisoners should be confined in Pentonville Prison who had not, by length of time, become indurated in crime—who, if possible, were undergoing punishment for their first, and certainly for not more than their second, offence; and also that those to be so confined there, having been carefully selected, should continue there a sufficient length of time to give the system of separate confinement a fair trial as a means of their amelioration. This system was established, and it continued for four or five years; and the reports laid before Parliament on the subject by the Commissioners showed that, while the experiment had been attended with many disappointments, yet that, on the whole, there had been an average of success as great as could be expected. Of course the Government was put to considerable expense in maintaining the prison; but the country, feeling that the existence of the criminal population was much its own fault, and to be greatly owing to the neglected education and general condition of the class which furnished those criminals, who were generally found to belong to the poorest and most uninstructed class—the nation felt it to be its duty—its bounden duty—to incur the necessary expense in an endeavour to discover a solution of the great problem how far it was possible to combine together the two separate elements of punishing the convict, and at the same time reforming him, without the one element defeating the other—without either leading to the convict going unpunished, or to the convict continuing unreformed. And so this prison was administered down till very recently. The total number of prisoners in Pentonville confined in separate cells was about 500; while the Government had about 2,800 cells at their command in their different prisons for the separate confinement of the convict population; and it was on the success of that separate system that a judgment could be formed as to whether the system could or could not be considered as calculated to render the beneficial effects which were expected from it. The administration of Pentonville Prison on these principles received the approbation of the highest authorities in the State. Now, the Eighth Report of the Commissioners, which had been laid on their Lordships' table last year, and the report which this year would be laid very soon on the table, concurred in remarking that there had been a considerable alteration in the management of Pentonville Prison; and the alteration affected these special points: first, the rules laid down by Sir James Graham as to the number of times which the criminals, who were to be received into the prison, should have been convicted; and first as to the age at which they should be received, and next as to the duration of confinement the convicts admitted should undergo. It was stated that these two points had been lately neglected. In the report of last year it was said that of the convicts sent to Pentonville there had been many who had been punished and in prison five times, some six times, some ten, some sixteen, some twenty, and others (and this was the strangest point of all) who had been previously transported, and been in Van Diemen's Land in the worst times of the worst convict administration in that colony, who had returned to this country, and again made themselves liable to be punished for a breach of the laws, and who were sent to Pentonville Prison, with all the worst and most degraded habits formed in them, which, alas! were too well known as being associated with that unhappy colony in those times; and yet these convicts were admitted, to spread the contagion of their deep-rooted depravity amongst the prisoners at Pentonville. The reports on their Lordships' table showed them that a change had been made in that first and most important regulation, the persons who were to be made the subjects of the experiment at Pentonville. But he gathered further from the reports that there was also an alteration in the time during which the subjects of the experiment were to be kept in confinement. To give the system a full trial, the chaplain stated that eighteen months' confinement was necessary, and other authorities named twelve months; but it now appeared that the average period during which the criminals were kept in prison was only forty weeks, which was much too short a time, and therefore the prisoners who had been confined for that reduced period could not be taken as in any way fair examples of what the system, when efficiently carried out, could do for our criminal population. There was also a third point in which the original system had been altered, namely, the destination and disposal of the prisoners after they were removed from the prison. It was at first intended, if possible, to give these unhappy men a fresh start in life after being so sent forth, either here or in the colonies, to enable them to regain by industry and honesty their former places in society; whereas it appeared in the return which was already in print, and would shortly be published, that this rule had been entirely changed in the course of the last year, and that those who had passed through the reformatory system of Pentonville, instead of being sent out to the penal colonies, in any manner to enable them to recover the character they had lost, were sent out in this proportion: eighty-three to the York hulk, fifty-three others to Portland Prison, and in another draught to the York hulk in the same year there were twenty-three more; while 109 others were sent to the hulks at Bermuda. Certainly, when these unhappy men were sent to the hulks at Bermuda and elsewhere, it could never be contended that in any sense that was carrying out the intention with which Pentonville Prison was founded, which never contemplated sending those who had passed through the reformatory discipline of that establishment to be afterwards thrown into the midst of the contamination of the places which he had named. Now, he had the greatest respect personally for the Surveyor General of Prisons (Colonel Jebb), under whose *régime* these alterations had been made; and he knew that that officer thought the system would not be made to work any worse on the whole from these alterations. Still, all that was only mere matter of opinion; and the question he wished to ask the noble Earl in their Lordships' presence was this—how far the Government had carried out, and were intending to carry out, these alterations in the fundamental principles of the administration of Pentonville Prison? One of the essential principles of administration on which that prison was founded was, that the criminals confined there should not be suffered to associate at all together. But by the present alteration, while they were all separated at night, they were suffered to associate together in the day. He was aware that a certain number did certain works in the prison, with the view of diminishing the expense of the establishment; but the point to which he wished to call the attention of the Government was this—here was a model prison, in which a great moral experiment was proposed to be tried in the face of the world, with a comparatively few prisoners; and the efficacy of the system would be judged by the result of that particular experiment, as well as, perhaps, by the high character and weight of the Commissioners who were appointed to conduct it; and he asked the Government whether it could be their intention, in order to effect some small saving in expense, to break through that one main principle for the full and fair working out of which this model prison had been specially constituted? He trusted he put these questions in no unfriendly spirit to the Government, who, he acknowledged, had great difficulties to contend with. But, looking carefully over all these difficulties, there was only one of two things which must be done in dealing with this subject. Either the Government must distinctly avow, in the face of the country, that, whether from the want of funds or otherwise, this great experiment must be abandoned; or, on the other hand, that it should be carried out in its perfection, and (so to speak) in its purity. There was one other point to be noticed, namely, with regard to that part of the change which made the second part of the probationary discipline consist in sending the men to the public works of Portland, Bermuda, or elsewhere; he had studied that alteration with the greatest care; and he was convinced that it was an entire departure from the system previously laid down, which must infallibly prove fatal to its success; because if they aimed at leading the convicts back again to the paths of virtue, and at teaching them self-respect, they would most assuredly undo all they had done, if, as soon as they set them free from their separate cells, they put them to work in gangs upon the public works, subject to the necessary severity of such an arrangement, and placed in association together. He knew that one answer to this objection was, that at Portland the work was so managed as to relax its severity, and not to degrade the convicts by exposing them to the public gaze, and to hold out to them some degree of reward for their diligent labour; but it was obvious that an arrangement of that nature did not divest the sentence of these criminals of its penal character, and if penal, it was necessarily degrading, and if degrading, it must destroy their self-respect. Sir W. Denison was against this plan; he said, in a despatch to the Home Government, "that to return a man into the labour gangs after he had undergone the preparatory course of moral training, was, in point of fact, to neutralise most of the good effects of the system." The labour must be penal, and surely ought to precede that separate confinement which was intended to soften the heart. He understood that, from what we had done at the Pentonville Prison, America had been induced in some measure to imitate our example in this important experiment; and he confessed that he should be sorely grieved at heart if we, who had set others in our track in this great improvement, should carelessly or negligently retrograde from the noble work and the high standard which we had set up for ourselves, and should relinquish in a fruitless despair what he believed might be made most valuable and beneficial for the most suffering and degraded part of our population. But he should repeat, that he feared the system originally established at Pentonville Prison had been departed from to an extent which seriously endangered the success of the whole experiment. The question he had to ask Her Majesty's Ministers was, how far they had carried out, or intended to carry out, alterations in the fundamental principles of the administration of the Pentonville Prison? He should be glad to receive from them any explanation they might be able to offer upon the points to which he had just directed their attention.

EARL GREY said, he rose to answer what was rather more in the nature of a speech than a question which had been addressed to their Lordships by the right rev. Prelate who had just concluded. He should endeavour in his reply to confine himself within as narrow limits as possible, there being really no practical question now brought before their Lordships. It was certainly quite true that Pentonville Prison was now upon a somewhat different footing from what it was when it was merely an experimental institution. In the first instance, when Pentonville Prison was established, it was intended to try the effect of the separate confinement of criminals, with the view of ascertaining whether that ought to be the system generally adopted or not. Now, while this prison was experimental, no doubt it was quite right, in order that the experiment should be fairly tried, that the criminals who should be subjected to it should be chosen out. But it must be obvious to their Lordships, that, in order to make it tell on the criminal jurisprudence of the country, if the experiment should prove successful, this species of punishment should not be applied to a few selected criminals, but made to tell on the whole body of the criminals of the country. The system of Pentonville had ceased to be an experiment, and therefore it had ceased to be applied to a few culled and selected specimens of the criminal population. But it ceased to be an experiment only because it was considered so eminently successful that now the policy of the Government, and he might fairly say, after the discussion which had taken place in both Houses, the policy approved by Parliament, was, that, as far as possible, every criminal sentenced to transportation should pass a period, more or less, of separate confinement. Of course, therefore, if they now looked at Pentonville Prison, they would find that some of the criminals confined there had been repeatedly convicted, and some of them, perhaps, had returned from transportation; but he must observe that these were precisely the class of criminals whom it was most desirable to subject to separate confinement. What we aimed at was to prevent the contamination of the minds of others, and also to produce in their own minds a salutary effect. Now it was clear, from all our practical experience of the effect of this species of punishment, that no part of their sentence was so much dreaded by the prisoners as the separate confinement. Their Lordships knew very well that the convicts dreaded that kind of punishment, and they knew more—it was proved by experience that the punishment was so severe, that though a person confined in

Pentonville appeared to have a greater command of comforts, and to live better, than many of those who were honestly working for their subsistence in the world, yet that when separate confinement was endured day after day for a lengthened period, neither mind nor body could bear it beyond a given time. It was the deliberate opinion of Sir Benjamin Brodie and Dr. Ferguson, that without the most minute and careful attention it was not safe to inflict this kind of punishment for any lengthened period. Some time since, in consequence of a temporary deficiency in the means of transport, some men were kept as much as twenty months in separate confinement in Wakefield and elsewhere, and the results were such as did not encourage a repetition of the example: these men were broken down in health and strength to a degree which was not intended either by the Government or by Parliament. But as, under the system at present pursued, all men who were sent to Pentonville would have to undergo this kind of punishment, it followed that for serious offences there must be something more. The right rev. Prelate said that when the system of solitary confinement was first adopted, it was intended to follow that punishment up by simple exile. This was perfectly possible when it was an experiment only upon selected men. But when that system became general, their Lordships must see that something more was necessary to be done. It could not be allowed that a man who had been sentenced to be transported for life, having committed manslaughter under circumstances which made it differ in an almost imperceptible degree from wilful murder, and which might have been committed under circumstances of great aggravation—it could not be permitted that such a man should be landed free in a colony, where he might earn higher wages than at home, after having gone through twelve or fourteen months of solitary confinement. These persons were consequently sent to some place where they were obliged to labour for the benefit of the public. Some of these were employed at Portland, and some at the hulks, where the same regulations were enforced with respect to discipline as at Portland; and the utmost efforts were made everywhere to give the stimulus of hope to good conduct, combined with the apprehension of severity in case of misconduct. At the same time he must repeat what he had stated the other evening, that a floating prison was always a bad one; but their Lordships would perceive that changes in this respect could only be gradual; and it was the intention of his right hon. Friend the Secretary of State for the Home Department to get rid as speedily as possible of the hulks, and every exertion was making for that purpose. Every practicable arrangement was made for the employment of convicts at Bermuda, at Gibraltar, and Dartmoor; and it was his earnest hope that before many years had elapsed there would be no more floating prisons. But then the right rev. Prelate said that the proper order of punishment was reversed, and that separate confinement should follow rather than precede the system of associated labour on public works; and in support of that opinion the right rev. Prelate quoted the opinion of Sir W. Denison. He (Earl Grey) must, however, remark, that these observations were written in 1847, before Sir W. Denison had enjoyed an opportunity of seeing the results of the system pursued at Pentonville, since no convict had at that time been sent out who had been subjected to the separate system of confinement. And there was this evidence in favour of the system now in use, that the very intelligent and able officers in charge at Portland, Dartmoor, and other places where the men were employed in associated labour, had stated that it would be impossible to enforce the system of discipline there unless the prisoners had previously gone through the punishment of separate confinement. It was well known that the keystone of the system of discipline at Portland and Gibraltar was the apprehension of the convict, in case of infraction of the regulations on his part, of being returned to separate confinement; and though it was true that the labour performed on the public works was severe, it was found much more tolerable than the mental suffering endured in solitary confinement. The right rev. Prelate said that labour could not be penal, unless it was also degrading. But he (Earl Grey) contended that, although only degrading so far as it was a punishment, the labour which the convicts performed at Portland was highly penal—so severe, indeed, that men worked extremely hard to shorten their term of punishment. He had this proof, also, of the advantage of the system which was pursued, that, taking the whole number of convicts sent out, there was a greater proportion of men who behaved well of those who had gone through the two preparatory stages of punishment, than of those who had gone through one stage only. One other observation he would make, with reference to the last remark of the right rev. Prelate, who said that the system pursued at Pentonville had been altered by allowing a certain proportion, though confined to their separate cells at night, to perform, associated together, some of the prison labour. He quite concurred with the right rev. Prelate in thinking that it would be ill-judged economy to break down a system of discipline for the sake of the petty savings which might be gained from the employment of convict labour; though at the same time it was an object to keep down the expenditure, if only with a view to be enabled to proceed with further improvements. But with regard to this particular charge, he believed it was useful, as a matter of discipline. This treatment was applied to only a very small portion of the prisoners, and was given as a reward for good conduct, and only at the last period of the stage of imprisonment at Pentonville, preparatory to their removal to undergo a course of labour on the public works at Portland. It was stated by the very able officers in charge of the prison, that they found the alteration answer extremely well.

The DUKE of RICHMOND observed, that he had been one of the Commissioners originally appointed to superintend the Pentonville Prison; and he confessed that, at first, he had entertained serious doubts as to whether the Legislature were not permitting theory to go rather too fast, when they determined to subject young criminals to eighteen months' separate confinement previously to inflicting upon them the punishment of transportation. During the period that he held his appointment, he not unfrequently spent twelve or fourteen hours a day in the prison. He visited the cells of all the prisoners, interrogated them as to their former modes of life, and made himself master of the causes which had impelled them to wander from the paths of virtue. The result of his experience was to strengthen him in the conviction that eighteen months was too long a period of separate imprisonment. He was not practically cognisant of the new system, and had no opportunity of judging whether it had worked better or worse thon the old. The separate system was no doubt attended with many advantages; but his experience as a Commissioner had led him to the opinion that it was desirable that convicts who had undergone it should be allowed to work in associated labour before they were sent to the convict ship. The change from absolute seclusion to the huddling together which always took place in a convict ship, was too rapid a transition, and required some preliminary probation. The plan which he and his brother Commissioners had pursued was to take the prisoners into the yard in batches of sixty or seventy, and, after their masks had been removed, to address them in language of affectionate admonition, telling them that they had undergone a dreadful punishment, and that doubtless they were penitent and regenerate, but as that they would have to undergo in the convict ships and in the colonies much greater temptations than they had as yet encountered, it was only by earnest prayer and by firm determination that they could hope to be able to persevere in the good intentions they had formed, and regain their previous character and position. No doubt it was the duty of the State to punish as well as to reform; but it was no less their duty to take care that a prisoner did not leave his gaol a worse man than he had entered it. He was convinced that separate imprisonment without labour was a much heavier punishment than separate imprisonment with labour. Eighteen months' discipline he believed to be too much, but he thought nine months were hardly sufficient.

The EARL of CHICHESTER, who was scarcely audible, was understood to state, that he had considered that the selection of a few prisoners at Pentonville to discharge the domestic duties of the prison would be no interference with the system, and would be a saving of expense, and at the same time probably be beneficial to the men themselves. He thought twelve months' separate confinement was the least period that would make that due impression upon the minds of prisoners which was the object of the punishment. One great merit of the system of separate confinement was that it necessarily afforded an opportunity for self-reflection, which, combined with the means of religious instruction provided for the prisoners, had, he believed, led in a great majority of instances to deep and sincere convictions. He was of opinion that no shorter period than twelve months' separate confinement ought to be resorted to; but it now appeared that that period was to be shortened, and that in some cases the confinement was only to be continued for eight months.

Earl GREY said, the noble Earl was u [illegible] mistaken in supposing that it was proposed to reduce the ordinary period of separate imprisonment below twelve months. No doubt the average taken from the returns might be a great deal lower than it had been; but that was accounted for by the fact, that formerly selected prisoners only were subjected to this punishment; but now, when all prisoners sentenced to transportation were to undergo a term of separate imprisonment, it would frequently happen that from ill health prisoners might have to be removed at an early period, and the general average would, therefore, be depressed. The intention was, as far as possible, to subject every convict sentenced to transportation to twelve months' separate imprisonment.

Subject at an end.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 23, 1851.

Minutes.] Public Bills.—1° Coal Duties (London and Westminster and Adjacent Counties).
2° Woods, Forests, &c.
3° Sale of Arsenic Regulation; Appointments to Offices, &c.; Hainault Forest; Process and Practice (Ireland); Highways (South Wales).

THE CAPE OF GOOD HOPE—THE KAFFIR WARS.

Mr. ADDERLEY: I beg to inquire of Her Majesty's Government whether the last paragraph in the appendix to the blue book just presented, upon the formation of the Orange River sovereignty, is all of the official correspondence upon the suspended formation of the Cape constitution which it is intended to lay before the House; I also wish to know if the House will be informed of the extent to which the Governor of the Cape is now borrowing from the English Treasury on the credit of the revenue which he may be able to raise if he can get a Legislative Council to serve under him?

Lord JOHN RUSSELL: If the hon. Gentleman had looked to the Votes, he would have seen that there were two sets of papers to be presented; the one set relating to the Orange River sovereignty, to which he has alluded, and the other set of papers relating to the Cape constitution. One set has been delivered, and the other set will be delivered in a day or two. The second set were more voluminous, and have taken more time to prepare. I do not very well know what the hon. Gentleman means by the last question. Sir Harry Smith is, as the House well knows, endeavouring to protect the British subjects in Kaffraria from the murderous attacks that have overwhelmed several of them. He is now fully employed in that duty, and I do not think it is desirable in this House to be embarrassing him when he is endeavouring to protect British subjects from being murdered.

Mr. ADDERLEY: I wish to know the amount of money to be paid for civil salaries and current expenses that has been borrowed from the English Treasury, and whether any return of the amount has been made.

Lord JOHN RUSSELL: I am not aware, but I shall make inquiry.

MOVING THE ADJOURNMENT OF THE HOUSE.

Mr. BRIGHT said, he had a question to ask the right hon. Gentleman in the Chair respecting the proceedings of the House. He had noticed, he said, that the Government of late evinced a disposition to limit the opportunities afforded Members of asking questions, and raising incidental discussions of public interest. He understood that the right hon. Gentleman the Secretary of the Treasury had that evening ten minutes after Four o'clock moved that the House at its rising adjourn to Monday next. That Motion at such an hour, and at the time usually devoted to private business, appeared very like a trick to deprive Members of the occasion the Motion would afford of putting questions. He knew there were Gentlemen who had come down prepared to ask questions of importance upon the Motion of adjournment, and he thought the House lost by the absence of such an opportunity. He wished Mr. Speaker, therefore, to give his opinion, whether it was not more consistent with the practice and the rules of the House to make the usual Motion on Fridays—that the House at its rising adjourn to Monday, when the House was full, than at ten minutes past Four, which was the time set down for private business.

Mr. SPEAKER said, there was no rule of the House on the subject; the Motion might be made at any time after the meeting of the House. With respect to this Motion being in practice of late made an opportunity for Members asking questions, the hon. Members would see that it was not a very regular practice. The hon. Member would see the inconvenience of the practice. It was quite useless for the House to say that Orders of the Day should take precedence of notices of Motions on Fridays, if any Motion might be made, or any discussion raised on any question, on the previous and formal Motion that the House at its rising adjourn to Monday.

MR. BRIGHT must remark that at times lately the Government did not make the Motion at all at Five o'clock, the time for public business, whereas this day they had made it a little after Four. He hoped the House would not sanction in future the practice that had been put in operation that evening.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

Clause 1.

MR. T. DUNCOMBE said, that whatever difference of opinion might exist on the subject of this Bill, it was at all events some matter for congratulation that after four months' deliberation they had at last arrived at the point that the Committee had permitted the reprinting of the Bill in an amended form, so that they now were in possession of a measure to which the Government had pledged themselves. Now, in this amended Bill he found much new matter. He would not call it a new Bill, because that seemed to give offence; but, at all events, it was not the Bill which the House had read a first and second time. The new matter to which he alluded was in the first clause, which he was about to ask the Government to postpone. This clause now said that all titles adopted under the authority of the Apostolic Letter, Rescript, or Brief, would and should be unlawful and void. That rescript was also alluded to in the preamble, which recited that—

> " Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees, or dioceses, within the United Kingdom, under colour of an alleged authority given to them for that purpose by a certain Brief, Rescript, or Letter Apostolical, from the See of Rome, purporting to have been given at Rome on the 29th of September, 1850."

Now, that was what the preamble said; he did not think he was asking an unreasonable thing in proposing that this document, of September 29, should be produced previously to their being called upon to inflict, by *ex post facto* legislation, an injustice on many millions of Her Majesty's subjects—to take from them, in fact, all the rights which had been conferred upon them by the Roman Catholic Emancipation Act. All he asked was, that the document should be produced. On a former evening he had asked the noble Lord at the head of the Government where was this Brief, and whether he would have any objection to produce it? The noble Lord must have seen it, or he could not have put it in his Bill. It was not in the original Bill, but there was some allusion to it in the clause which had been pirated from the hon. and learned Member for Midhurst (Mr. Walpole). The answer of the noble Lord was, that it was a matter of notoriety, and had appeared in all the newspapers. Did the noble Lord mean to say that they were to legislate on newspaper information? Why it was only the other day that he (Mr. Duncombe) had read a letter in the *Times* purporting to be from M. Mazzini, as head of the central democratic committee in London, and there was, moreover, an article in the *Times* commenting severely on the letter. Now, suppose the noble Lord at the head of the Government had brought in a measure for the expulsion of M. Mazzini, founded on that letter, and any one asked him what was the pretence? The noble Lord's answer must be that he had read the letter in a newspaper; and yet, after all, the document turned out to be a hoax—a perfect fabrication from beginning to end. Was there any reason why this apostolic letter, signed Lambruschini, might not also be a hoax? The first clause provided that all titles under this letter should be unlawful and void. Now, he denied that that letter conferred any power, title, or pre-eminence on these bishops. There was not a single word in it about the Archbishop of Westminster; it named no names, and conferred no titles. The title of the Bill was a Bill to prevent the Assumption of Ecclesiastical Titles; while Lambruschini's letter, although it certainly parcelled out the country, gave neither title nor dignity. Therefore he said the noble Lord was bound to produce something upon which they were to legislate. He never could believe that that House would consent to pass a Bill of pain and penalties without some document to prove that legislation was necessary. If it was merely a railway or a divorce Bill, they would insist on the preamble being first proved; and therefore he called upon the noble Lord to prove his preamble before he proceeded further with this measure.

He would ask the noble Lord what this rescript referred to? The noble Lord had paid him a compliment at the expense of the hon. and learned Member for Athlone (Mr. Keogh), saying he was not surprised that the hon. Member for Finsbury should ask what was the meaning of this rescript, because it was a question which a person of common sense would ask; but he was surprised at the hon. and learned Member for Athlone, because he must know, as a lawyer, that all Acts of Parliament referred to some previously recited Act. That was precisely his (Mr. Duncombe's) case. He wanted to have the Act placed on the table. He put it to the hon. and learned Solicitor General, who was certainly a great acquisition to the noble Lord —[Lord JOHN RUSSELL: Hear!] The noble Lord cheered; the hon. and learned Gentleman was just the sort of man the noble Lord wanted. Indeed, if the hon. and learned Gentleman's performance came up to his promise, he would be a wonderful man, because he had undertaken to demolish, on the shortest notice, all the objections that had been taken or might be taken against the Bill. He (Mr. Duncombe) would tell him that the proper time had come, and he called upon the hon. and learned Gentleman to perform his promise. The minority had not many lawyers amongst them, the legal Gentlemen seeming generally to be in favour of the Bill; but there were some bright exceptions. There were the hon. and learned Members for Sheffield (Mr. Roebuck), Athlone (Mr. Keogh), and Plymouth (Mr. Roundell Palmer), whom the hon. and learned Solicitor General would find rather tough morsels before he had completely demolished them. When he had asked the noble Lord (Lord John Russell) about the preamble, he was informed that it was the same as the Roman Catholic Emancipation Act; but the fact was, that the noble Lord had made a great blunder in poaching from the hon. and learned Member for Midhurst (Mr. Walpole). The next mistake was in not putting a preamble to the first clause. The Bill did not require the first clause, but the first clause required a preamble to elucidate it. He would now read the preamble of the Roman Catholic Emancipation Act, and contrast it with the miserable, wretched, and narrow-minded preamble of this wretched and contemptible Bill. It ran—

> "Whereas by certain Acts of Parliament, certain restrictions and disabilities are imposed on Her Majesty's Roman Catholic subjects, to which other subjects of the realm are not liable, and it is expedient that such restrictions and disabilities shall from henceforth be discontinued."

Now, that was something like a preamble. There was nothing in it about Sees and Rescripts and Letters Apostolic. It was a preamble which did honour to that great man, that lamented statesman, whose advice and counsel, whose experience both the House and the Government stood so much in need of at the present moment. ["Hear, hear!"] He repeated it, that that preamble reflected honour on that statesman, and on the Parliament that passed it, and he was sorry to find that those who ought to have been the men to uphold its principles, were the first to assail them. It was melancholy to look round and reflect how few men were now present who had supported that Bill; but he certainly had not expected that he should live to see the noble Lord (Lord John Russell) call on the new boroughs to repeal it, because, be it remembered, it was the unreformed Parliament, the Tory boroughs, that had passed the Roman Catholic Emancipation Act; and now the noble Lord called upon Manchester and Birmingham to repeal the franchises which had been conceded by Gatton and Old Sarum. He would now ask the hon. and learned Solicitor General whether this was the Bill by which he was pledged to abide, and he wanted to know if it should pass, how the courts of law were to deal with it. Suppose that the hon. and learned Solicitor General himself should have the supreme satisfaction of proceeding against the Archbishop of Westminster, what would happen? The jury, he assumed, would be men of common sense. The Judge would have to charge them, and would say that it was an offence under the Act to derive a title from the Apostolic Rescript. But the jury would naturally ask for the letter of the 29th September, and would say naturally, "How can we tell them whether this Act is unlawful until we see the letter?" How would the hon. and learned Solicitor General then propose to proceed? He must either give evidence of this letter or rescript; and if it were necessary before a jury, surely it should be introduced in the preamble of the Bill. This brought him back to his old complaint, when he saw that Lambruschini's letter conferred no title. Well, then, they were going to stultify themselves by passing a Bill for which there was no foundation in the rescript upon which it was professedly based. He did not know how the hon. and learned Solicitor General could answer this objection, although he had told the Committee he could answer anything. Here had been a measure delayed for four months in consequence of the Government continually taking Amendments from other people. Putting in a little here, and taking out a little there, they had at last cooked up a Bill in such a way that he defied any one to understand it. The hon. and learned Attorney General, to do him justice, seemed to know nothing at all about the Bill, and, much to his credit, to care less. Therefore he (Mr. T. Duncombe) asked the Committee whether it was worth while going on with this Bill for another three or four months, and whether it would not be better to proceed at once to the business of the country? There were three or four-and-twenty Amendments on the paper, and he was credibly informed that there were double that number in reserve. Would it not be better to make the Opposition a present of it? The noble Lord might depend upon it that he was pursuing a phantom which he would never overtake. The noble Lord had become the advocate of a principle which neither became him nor belonged to him. Why was he not satisfied with the bigotry he had already evoked, the laurels which Oxford was preparing for him, and the commotion which he had raised from one end of the country to the other? But if he was determined to go on, he should at least furnish them with a copy of the document on which he proceeded, so that the Roman Catholics of England might not be able to say, "You are not only insulting and degrading us, but are in point of fact proceeding on false assumptions. He would ask the Chairman then to dispose of the first clause unless the noble Lord (Lord John Russell) would produce the document.

Motion made, and Question proposed, "That Clause 1 be postponed."

The SOLICITOR GENERAL said, the House ought to be much obliged for the amusement which the hon. Member for Finsbury had afforded them. He could assure the hon. Gentleman that he intended no disrespect to him when he made the observation the other night, to the effect that no person accustomed, as a lawyer, to the transaction of the business in that House, would think of founding on the word "said," as used in the first clause, an argument for postponing the preamble. The hon. Gentleman was possessed of ready wit, and many other good qualities; but he (the Solicitor General) was sorry that in the interval between Monday and Friday his memory had so seriously failed him. The hon. Gentleman had stated, that the noble Lord at the head of the Government had referred to the preamble of the Act of 1829, as being some sort of precedent for the preamble of the Bill now before the Committee. The hon. Gentleman was entirely mistaken in that. What the noble Lord said was, that the rescript was a matter of notoriety, not that it was to be found in the newspapers, so far as his (the Solicitor General's) memory served him; and that it might as well have been said when the Bill of 1829 was under discussion, by which the Roman Catholic bishops were prohibited from taking certain titles, that there was no evidence that those bishops had assumed those titles, as to say in the discussion of this Bill in the Committee, that there was no evidence of this rescript. The hon. Member was also mistaken when he represented him (the Solicitor General) as declaring that he was ready to answer all objections, past, present, and to come, against the Bill. When he heard the hon. and learned Member for Athlone misquote a clause in this Bill, in order to found on that misquotation an argument representing this Bill inconsistent with the Charitable Bequests Act, he (the Solicitor General) said that was an extraordinary course for the hon. and learned Member to take, and that he should have no difficulty in demolishing such an argument; but he did not venture arrogantly to assert that he (the Solicitor General) would demolish every argument against this Bill: at the same time he would state that he had not heard any argument against the Bill, which was of an invincible description. The hon. Member had referred to the practice of Committees of that House calling upon the promoters of railway and divorce Bills to prove their preambles. But he (the Solicitor General) submitted that it was a very unusual thing for that House to call witnesses to its bar for the purpose of proving the preamble of Bills of a public nature, as was done in the case of private Bills before Committees upstairs. The hon. Member had also said, there would be great difficulty in indicting a person under the Bill without producing the rescript of the Pope. He (the Solicitor General) could assure the hon. Member that there would be no such difficulty; and, so far as an authoritative knowledge of the Rescript is desired to satisfy the House, he thought they had an authority on which they might proceed. A learned and respectable gentleman, Mr. Bowyer, who was well known to be the legal adviser of Cardinal Wiseman, had published a pamphlet containing a verbatim copy of the rescript signed "Lambruschini," and it was conspicuously intimated on that pamphlet that it was published "by authority," and that pamphlet had been ostentatiously sent to every Member of that House. With respect to the recital in the preamble of the Bill, was it not matter of notoriety that certain individuals in this country, being subjects of Her Majesty, had assumed to themselves the titles of pretended sees, and had done so under the colour of the authority of this rescript? If any hon. Member thought that was a question which ought to be investigated, let him move that witnesses be called to the bar of the House to prove or disprove it. It was a quibble, and was only cheered by some hon. Members who were willing to save their cause by catching at a straw, to say that the Papal rescript only contained a number of titles, such as the Archbishop of Westminster and the Bishop of Birmingham; and that because no person was specially named in it, no title was conferred on any one. He was satisfied the Bill, if passed into a law, would be most effectual; and he had no hesitation or doubt in saying there would be no difficulty in convicting any person under it for assuming any of the prohibited titles, without the production of the rescript. The hon. Member also said, that the noble Lord had taken a fatal step—that he had departed from those high principles which had distinguished the late illustrious statesman who brought forward the Bill for Catholic Emancipation. But he (the Solicitor General) would venture to state that not only the noble Lord, but the party with whom he was connected, were the parties who distinguished themselves in endeavouring to remove those restrictions which pressed on the Roman Catholics long before the period when that lamented statesman proposed his Bill. The right hon. Baronet the Member for Ripon (Sir James Graham) had told the House on a recent occasion that he sat side by side with his (the Solicitor General's) own father in that House, and advocated with him the principle of Catholic Emancipation. He (the Solicitor General) well remembered that it was the advocacy of that Bill which nearly cost his father his seat for the city of London, on a subsequent occasion. Bearing that fully in mind, it was because the principles of that Bill, which were the principles of civil and religious liberty, had been grossly invaded by the arrogance of that man who dared again to assert what he called spiritual supremacy, but which was the most despotic spiritual control over the whole human race—it was because the real principles of civil and religious liberty were invaded by that man, as they had been invaded in Sardinia and elsewhere—that he (the Solicitor General) was following in the steps of him whose memory he most revered in giving his hearty concurrence and assent to this Bill, which he trusted would ultimately pass by as large a majority as had voted in its favour during its previous stages.

Mr. ROEBUCK would not attempt to follow the grandiloquence of the hon. and learned Gentleman the Solicitor General, but would endeavour to understand the Bill. The first clause spoke of the formation of certain dioceses under the colour of an alleged authority given for that purpose, coming from Rome, and dated September 29, 1850. The first clause declared that

> "The said Brief, Rescript, or Letters Apostolical, and all and every the Jurisdiction, Authority, Pre-eminence, or Title conferred, or pretended to be conferred, thereby, are and shall be, and be deemed, unlawful and void."

Now, let them pursue the steps of a legal proceeding in this matter. Supposing some "John Smith" chose to assume the title of Bishop of Cloyne, and was indicted under this Act for so doing, or was pursued for the penalties, if that was the form, the question came to this, without reference to the second clause, what was the offence? He thought it evident that, even supposing there was any meaning at all in the clause, it was wholly useless, for he was speaking now to the first clause only. Under the Act the party would be charged with having assumed a title under the said Brief or Rescript, that was, the Brief or Rescript of a certain date. Now, how was that to be proved? The party charged called himself Bishop of Cloyne. He (Mr. Roebuck) did not ask himself if the title assumed was that of any existing bishopric, or a title belonging to any other person, but simply whether the title was assumed under this particular Brief or Rescript; and, if so, he wanted to know how the offence was to be proved? They must remember that in this case they were entering upon a criminal proceeding, and the whole charge must be proved to the satisfaction of the jury. How would the Attorney or Solicitor General prove that the title of Bishop of Cloyne had been assumed by this John Smith by authority of this Rescript of September, 1850? He could understand the proposition of his hon. and learned Friend the Member for Abingdon (Sir F. Thesiger), who would extend the operation of the Bill to all Rescripts or Letters Apostolical; if that were adopted he could understand the operation of the Act, but not when it was confined to the one particular Brief or Rescript. If the hon. and learned Gentleman the Solicitor General admitted that every Rescript should be included, and that any person assuming the title of bishop, under any such authority, should commit an offence, whether the title assumed were Bishop of Cloyne or Bishop of Melopotamus, then the consequence would be to prohibit Roman Catholic bishops altogether. He was justified, then, in saying that the noble Lord (Lord John Russell) had borrowed from his opponents that which must destroy his own object, and the Bill as it now stood was either utterly useless, or so extensive as to put an end to the Roman Catholic religion in Ireland, as well as in this country. He wished to know from the hon. and learned Attorney General, if an information were laid against a person assuming the title of Bishop of Cloyne, how he would prove that he took that title under the Rescript referred to in this Bill?

The ATTORNEY GENERAL said, that his simple answer to the hon. and learned Gentleman's question was, that he should not prove the Rescript at all; and for the best of all reasons, that it would be altogether foreign to the inquiry. It would not be laid as part of the information, and would not, consequently, be open to proof, and he would not attempt to prove it. He was surprised any lawyer in that House should have asked such a question. He might be allowed to observe that it would be a great saving of the time of the Committee if hon. Members would deal with one thing at a time. The hon. Member for Finsbury (Mr. T. Duncombe) had proposed to postpone the first clause until they should have the Rescript before them; but, speaking on that Motion, the hon. and learned Member for Sheffield (Mr. Roebuck) proceeded to discuss the clause itself, and asked how he (the Attorney General) would attempt to prove that the title prohibited by the clause was assumed under this Brief or Rescript from the See of Rome? To that question he replied there was not the slightest reason for doing so at all. The first and second clauses of the Bill were totally distinct. The first declared that the Brief, Rescript, and Letters Apostolic conferring the title was illegal, and the titles conferred under it void. This related to the authority and jurisdiction, and was applicable, if he might be allowed to use the term, to civil purposes. It created no offence for which an information could be issued against any party. The offence was enacted under the second clause. [The MASTER of the ROLLS: Hear, hear!] He was glad to hear his right hon. and learned Friend the Master of the Rolls confirm that view. The hon. and learned Member for Sheffield's objection proceeded on the assumption that the two clauses should be taken together. But it was clear that under the first clause no man could proceed to indict, for that clause merely annulled any acts done under, or titles conferred by, the Bull or Rescript; but with regard to the offence that was created by the second clause, all that would be necessary to prove would be that the party charged had assumed the title forbidden by the first clause. The hon. and learned Gentleman (Mr. Roebuck) said that the effect of the clause would be to prohibit and abolish the assumption of the title of bishop by any Roman Catholic, no matter from whence the title was derived; and the hon and learned Gentleman referred to the title of Bishop of Melopotamus; but the Bishop of Melopotamus exercising his functions as vicar-apostolic would not be in any way affected by the Bill, because the clause only referred to titles derived from places in these kingdoms.

MR. ROEBUCK said, that the hon. and learned Attorney General had completely proved his (Mr. Roebuck's proposition, that the clause was useless. That was his proposition. The hon. and learned Gentleman had said that this clause had nothing to do with the information charging the offence, but only with the civil rights derived from the Rescript. Would any one say that all the titles derived from the Rescript, and declared to be invalid by this clause, might not be made so by the second clause? It was clear, therefore, the clause was useless. It might be very well to indulge in affected wonder, and express a pretended surprise how a lawyer could fall into such an error. But he would ask the hon. and learned Attorney General to point out one of the civil consequences following from the enactment of the first clause, that would not follow from the second. He had said the clause was useless: and he thought he should have very little trouble in proving that it was mischievous also. He believed the Government had fallen into a great trap, fatal to the great principles of the Act of 1829, about which they talked so much, but did not understand—principles which appeared long since to have been forgotten by the leader of the party, and his followers, who had been their strongest advocates.

Mr. WALPOLE thought it would be desirable to decide whether they were to discuss the merits of the clause itself, or the proposition of the hon. Member for Finsbury (Mr. T. Duncombe) for postponing it until the Rescript should be produced. He conceived the latter question was the only Motion now properly under discussion. When they came to consider the clause, he thought he should be able to show the hon. and learned Member for Sheffield that it was necessary; he thought, however, the Government had placed themselves in considerable embarrassment by not adopting the preamble he had suggested, and the provisions consequent thereon. Now, with regard to the question whether the Rescript ought to be produced before discussing the clause, the hon. Member for Finsbury said, there was no evidence that any such Brief or Rescript had been issued. But was that the way our ancestors dealt with such questions? What was the great precedent on which they ought to proceed, a precedent not derived from Protestant, but Roman Catholic times? That precedent was the statute of *præmunire*. What was done then? The Pope of Rome, contrary to the rights of the Crown of England, had attempted in Richard II's. time to translate certain bishops to other sees. The hon. Member for Finsbury says, Look at the preamble of the 10th of George IV.; but he (Mr. Walpole) would refer the hon. Member to a good preamble; he would refer him to the recital of the Act by which that aggression was met, and by which the national honour and the national rights were vindicated. In that statute Parliament proceeded not on legal proof, but on public notoriety of the fact. Our ancestors rested their proceedings in that case on common clamour. ["Hear, hear!"] Yes, they proceeded on what was called in the genuine Saxon English of the time, "common clamour;" but which translated into the modern, diluted and Latinised English, was called "public notoriety." The consequence of passing that statute was, that the Act was never infringed but twice, once by Cardinal Wolsey, and the second time by Richard Lalor; and in both cases conviction ensued. The preamble of that Act was as follows:—

> "It is said, and a common clamour is made, that the said Bishop of Rome has ordered and proposed to translate some prelates of this same realm, and some out of this realm, and some from one bishopric to another within the same realm, without the King's assent and knowledge. . . . So the Crown of England, which hath been so free at all times that it hath been subject to no one on earth, but immediately subject to God in all things touching the regality of the same Crown, and to none other, should be submitted to the Pope, and the law and the statutes of the realm by him defeated and evaded at his will, in perpetual destruction to the sovereignty of the King our Lord, his Crown, his regality, and of all his realm, which God defend."

Did the Parliament of that day hold their hands when they saw the independence of the nation attacked by a foreign Power? No. The recital continued—

> "And, moreover, the Commons aforesaid, say that the said things so attempted be clearly against the King's Crown and his regality used and approved of in the time of all his progenitors; wherefore they, and all the liege Commons of this same realm, will stand with our said Lord the King, and the said Crown and his regality in the case aforesaid, and in all these cases attempted against him, his Crown and regality in all points to live and to die."

Were not the Commons of England still prepared to stand by our Lady the Queen and Her regality? Were they not prepared to stand by the nation whose rights, freedom, and independence were placed in jeopardy, if they allowed any foreign Power, of any sort or kind, to interfere with the laws, religion, or internal affairs of the kingdom?

Mr. KEOGH said, that the hon. and learned Gentleman the Solicitor General had not been very complimentary to those Gentlemen who felt it their duty to oppose that Bill. He said that they were perfectly ready to catch at any straws which might chance to float, for the purpose of impeding its progress. He attempted to decry the playful wit of the hon. Member for Finsbury—a wit which had often delighted the House—by saying that that distinguished Gentleman had made a very "amusing speech." But that attempt the House was not disposed to agree with; and least of all did he think that it would be disposed to come to the conclusions of the hon. and learned Gentleman, who said that there had been no arguments used in the course of the debate which had made an impression upon his mind—

The SOLICITOR GENERAL: The hon. and learned Gentleman never can quote correctly anything uttered in this House. I did not say no argument had made an impression on my mind. I said that no arguments had been urged which had impressed itself on my mind as being invincible.

Mr. KEOGH: The hon. and learned Gentleman said he (Mr. Keogh) could never quote correctly the words of a speaker in that House. What a lecture upon accuracy from a Gentleman who told them the other night, holding this mangled and distorted Bill in his hand, that not a single line of this Bill had been altered, that he would maintain and prove that not a single line of it had been altered since it came into this House. [The Solicitor General: No, no!] The hon. and learned Gentleman said "No;" the Committee was in a position to judge between them. But to return. He understood the hon. and learned Gentleman to say that he had not heard an argument since the commencement of the discussion to affect his mind; and he added something about invincible. Well, was this arrogant, or was it not? He heard the right hon. Baronet the Member for Ripon (Sir James Graham)—he heard the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone)—he heard the hon. and learned Member for Plymouth (Mr. Roundell Palmer) address this question, and he says that he heard no argument which made an impression on him; and he adds the word "invincible." He (Mr. Keogh) did not know what the hon. and learned Gentleman meant by it, whether invincible arrogance or invincible ignorance. One would suppose that the law officers of the Crown would, with respect to this Bill, have stood upon high ground, and that it came out of their laboratories in a perfect state. But was not the whole Bill taken from his side of the House? There had not been a single argument put forward by the right hon. and learned Gentleman the Master of the Rolls, or the officers of the Crown, consistent one with the other. He understood his hon. Friend the Member for Finsbury (Mr. T. Duncombe) to ask whether, under the first clause, an indictment could be maintained without proving the Bill? He also understood the hon. and learned Solicitor General that there could. Now the hon. and learned Attorney General said, that the first clause had no operation; that it was under the second that the offence was committed; and that the first clause had no operation so far as regarded the criminal offence. This was the way in which they agreed in their opinions, and, by shoving in a word here and a word there, they tried and endeavoured to escape from the dilemmas which beset them. Now if the first clause was inoperative as regarded the criminal offence, did the Committee mean to insert it for some amusing or inoffensive purpose? The hon. and learned Attorney General said, it was inoperative. Did the hon. and learned Solicitor General say the same thing? It was all very well for them, while they confined themselves to general declamation, or attacks upon Irish Members, to agree; but when they came to the very terms and express words of a section, then they were essentially different.

> "But when they come to form the model,
> Not one can fit the other's noddle."

Let them depend upon it, Her Majesty's Government were not only prepared to deceive them, but also those who sat on his (the Opposition) side of the House. He had asked them over and over again, did they intend to put this Bill in force in Ireland? but over and over again had they declined to answer that question; and why? because they wished to deceive them—they desired to obtain their votes in order to retain them in power and in office; and then, when they had escaped from the Parliamentary difficulties which their bungling involved them in, they intended to deceive them out of doors. Let them see what were the words of the preamble:—

> "Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees or dioceses, within the United Kingdom, under colour of an alleged authority given to them for that purpose by a certain Brief, Rescript, or Letter Apostolical from the See of Rome, purporting to have been given at Rome on the 29th of September, 1850."

In this it was assumed that the Brief was perfectly notorious, or, as the hon. and learned Member for Midhurst (Mr. Walpole) had said, was, "in diluted English, a matter of public notoriety," he having discovered by some extraordinary philology that public clamour was a pure and genuine Saxon expression. The noble Lord at the head of the Government said the bull was perfectly notorious. He assumed that it had been published in every paper in the kingdom. The noble Lord had in this, and he said it with respect, committed a decided blunder. He defied the production of a single paper in which it had been published. If it had obtained public notoriety, let them lay it upon the table of the House, and they could then resort to it for some useful purpose. Well, then, if it had not been published, and was not, therefore, a matter of public notoriety, that was a good argument in favour of the proposition that they could not deliberately or wisely come to a decision upon this question without having a copy of the Rescript before them. As to the arguments which he had put forward upon former occasions, notwithstanding the boasting of the hon. and learned Solicitor General, he had never replied to them, because he never could; and he (Mr. Keogh) still remained undemolished.

Mr. REYNOLDS said, it appeared that hon. Members were very anxious for their dinners. A certain English poet said—

> "And wretches hang, that jurymen may dine."

Now, he did not say the hon. Members of that House would hang the Pope rather than have their mutton cold, but he was of opinion that they would not mind taking a short cut, by passing a Bill of pains and penalties upon their Roman Catholic fellow-subjects, that they might dine. The hon. and learned Solicitor General, with his usual legal flippancy—["Order!"]—he maintained that that expression was perfectly in order—started up and told them that the speech of the hon. Member for Finsbury (Mr. T. Duncombe) was exceedingly amusing. Was that a fair way of getting rid of the powerful case the hon. Gentleman had made in favour of his Motion? It was as much as to say, "Your argument is not worth a fig. You do not belong to the long robe, as I do. You are not Solicitor General, as I am. You are only Member for Finsbury; and, although you may be a lawmaker, you are not an interpreter of the law." The Committee ought to consider itself in the light of a jury empanelled to decide whether the bishops and clergy of 10,000,000 of people were to be convicted and sentenced to pains and penalties upon false testimony or not. Now, he asked, if the humblest man in England were put on his trial, would he be convicted upon such slender testimony as that contained in the preamble of this Bill? He did not put the question to the Irish Solicitor General, because he had been putting questions to him for a very long time without being able to obtain a reply. He therefore gave up the hope in despair of obtaining official Irish legal information. He would ask, if they were about to indict a man for forgery, would they do so without producing the Bill? But the hon. and learned Gentleman the Solicitor General said they knew of the Rescript as their ancestors knew—by public clamour. Well, they certainly had plenty of public clamour. He took the noble Lord at the head of the Government to witness that ever since the publication of his Papal edict they had had clamour, and nothing but clamour—clamour out of the House then, clamour in the House now. But did the noble Lord think that if his Bill passed—and he believed it never would pass, at least in its present state—he would then have peace and tranquillity on the subject? No, the noble Lord might depend on this, it would be only then that his troubles would begin. [*Cries of* "Divide!"] If these cries were continued, he must move that the Chairman report progress. He would ask the most determined supporter of the Bill whether he would venture to swear that this Rescript had any existence whatever, except in his own imagination?

Question put, "That Clause 1 be postponed."

The Committee divided:—Ayes 49; Noes 221: Majority 172.

List of the Ayes.

Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Bright, J.
Burke, Sir T. J.
Corbally, M. E.
Devereux, J. T.
Fox, R. M.
Fox, W. J.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Higgins, G. G. O.
Hope, A.
Howard, Sir R.
Keating, R.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Moore, G. H.
Mowatt, F.
Murphy, F. S.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.

O'Flaherty, A.
Pechell, Sir G. B.
Power, Dr.
Power, N.
Reynolds, J.
Roche, E. B.
Roebuck, J. A.
Sadleir, J.
Scully, F.
Somers, J. P.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Urquhart, D.
Vane, Lord H.
Walmsley, Sir J.

TELLERS.
Duncombe, T.
Keogh, W.

Sir **FREDERIC THESIGER** rose to propose his Amendment, namely, instead of the words "the said brief, rescript," in the first clause, to insert the words "all such briefs, rescripts." There had been so many alterations proposed in the words of the first clause, that the effect of the Amendment he suggested had probably escaped the observation of hon. Members, and he therefore thought it his duty in fairness to them to call their attention to this important question. He had not solicited any support for his Amendment, because, after the observations which were made on Monday last on the part of the Government in explanation of their intention with regard to this Bill, he was satisfied that he ought to receive no manner of opposition from that quarter; and he was content to leave the determination of this question to the careful consideration of the Committee, who, he was sure, would weigh it most deliberately. The Committee were aware that the clause proposed by the Government, coupled with the preamble, formed a declaratory enactment to the effect that a certain rescript, alleged to have been issued on the 29th of September, 1850, was illegal and void; and the object of his Amendment, which he would explain at once, was this—to make all similar rescripts which had been issued prior to the passing of this Bill, to be comprehended and included within the terms of this declaratory enactment. He felt satisfied that those Members who believed that such a declaratory Act as this was necessary, would perceive that the addition which he proposed was essential to the working of the measure; and that even those who were against all legislation would admit that, if they were to legislate at all, the Government measure would not be complete and consistent without the additions and alterations which he proposed to make. In order that the subject might be perfectly intelligible to the Committee, he would, in the first place, take the liberty of explaining what, in his mind, was the existing law upon the subject, which, as it appeared to him, had not hitherto been plainly and distinctly brought under the notice of the House. It was not a task which he willingly undertook; it was not a very inviting subject; but the House would feel, now that they were upon the threshold of a new legislation, now that they were about to create a new law, it was important to understand clearly how far the existing law went. It would be found that he agreed as to the result in the opinions expressed by the law officers of the Crown; but as he had arrived at the conclusion by means somewhat different from what he had observed to have been previously put forward, he would entreat the particular attention of the legal Members of the House, that they might correct any unintentional errors into which he might fall. The Acts of Parliament to which he was about to draw the attention of the Committee were, fortunately, few in number; they were the statute of the 16th Richard II., those of the 1st and 13th of Elizabeth, and the Acts passed in 1844 and 1846, repealing the penalties of those statutes. These Acts related to two distinct matters, which it would be desirable to keep separate and apart from each other — those which were applicable to the exercise of jurisdiction on the part of the Pope, and those which were applicable to the introduction of bulls from Rome into this country. The first part of the subject depended principally upon the statute of the 1st Elizabeth, chap. 1; and he must confess he was struck with surprise to find that, during the whole of the discussions which had taken place, the most important section of this Act of Parliament—that which contained an absolute prohibition of such jurisdiction—had never been adverted to. The 16th section, on which the present prohibition depended, was in these terms:—

> "And to the intent that usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never be used or obeyed within this realm, or any other of Your Majesty's dominions or countries, be it enacted, that no foreign prince, person, prelate, State, or potentate, spiritual or temporal, shall use or enjoy any manner of power, jurisdiction, &c., pre-eminence or privilege, spiritual or ecclesiastical, within this realm or any other Your Majesty's dominions, but from henceforth the same shall be clearly abolished out of this realm."

Now, there could be no doubt that on this prohibitory clause, if a person attempted to maintain or support the jurisdiction or authority of a foreign prince, he would be liable to be indicted for a misdemeanour, and to be punished with fine and imprisonment. But the Legislature had gone further, and provided a specific punishment for the offence. The 27th to the 30th clauses contained no prohibition of the offence; but they contained provisions with regard to the punishment in case the offence should be committed. They stated—

> "And for the more sure observation of this Act and the utter extinguishment of all foreign and usurped power and authority, be it enacted that if any person dwelling within the realm shall, by writing, printing, &c., express words, deed, or act, directly affirm, maintain, or defend the authority, power, or jurisdiction of any foreign prince, prelate, &c., heretofore claimed, used, and usurped within this realm, or shall advisedly and directly put in use or execute anything for the advancement or maintenance of any such pretended or usurped jurisdiction, power, pre-eminence, and authority, shall for the first offence forfeit and lose all his goods and chattels, real and personal —for the second offence shall incur all the penalties of a præmunire; and for the third offence shall suffer death and all other the penalties attached to high treason."

Now, the Act of the 7th and 8th Vict., cap. 102, passed in 1844, repealed the second and third offences, and their punishments along with them, but left the first offence as it was described in the 27th section, and the punishment connected with it. But in the year 1846, the Act 9th and 10th Victoria, cap. 59, was passed, which repealed so much of the 1st of Elizabeth, chap. 1, and the corresponding Irish Acts, as made it punishable to defend or maintain the authority of a foreign prince or prelate. By the operation of those Acts of Parliament, the punishment having been taken away from those prohibitory sections, the whole effect of them was entirely gone, and it stood to reason that that must be the case; because, if a certain punishment was attached as the consequence of doing a certain act, and the punishment were taken away, nothing remained upon which the provision could operate. But the Act of Victoria went on to state that nothing therein contained should render it lawful to maintain or defend the jurisdiction of a foreign prince or prelate; nor should the Act be construed to extend farther than to the repeal of those particular penalties; but in all other respects the Act was to remain the same. It was clear, therefore, that the 16th section, which contained a prohibition of the jurisdiction, still remained untouched; and if anybody attempted to maintain the usurped jurisdiction of a foreign prince or prelate, he would be liable to be indicted for a misdemeanour, and punished accordingly. So much with regard to the exercise of jurisdiction in this country by a foreign prince. He would now turn to the other branch of the subject, that relating to the introduction of bulls. That depended entirely upon the 16th of Richard II.—the statute of provision and *præmunire* — by which, after the noble preamble that had been read by his hon. and learned Friend the Member for Midhurst, it was enacted—

> "That if any do purchase or pursue, or cause to be purchased or pursued in the Court of Rome any bulls, instruments, or any such thing whatever which toucheth our Lord the King, his Crown, and his Regality, or his realm, and they which bring the same within the realm, or receive them, or make thereof notification, or any other execution whatever, within the same realm, or without, that they, their notaries, procurators, maintainers, abettors, factors, and counsellors shall be put out of the King's protection, shall forfeit their lands and goods, shall be attached by their bodies, and process shall be made against them by *præmunire facias.*"

The 13th of Elizabeth, c. 2, contained a provision, that if any person obtained from the Court of Rome any bull, writing, or instrument, and published the same within this realm, such acts should be held to be high treason. The Act of Victoria, passed in 1846, repealed so much of the 13th of Elizabeth as imposed the penalty; and as this Act of Elizabeth, like the others to which he formerly adverted, did not prohibit the offence, but contained a provisional penalty in case of the offence being committed, it followed that, if the punishment were repealed, the whole effect of the provision ceased. But the Act of Victoria went on to say, that nothing therein contained should render the introduction or the reception of such bulls lawful; and that in all other respects, except as regarded the punishment, the Act of Elizabeth was to remain the same as if the Act of 1846 had not passed. Now that remitted them back, as he might say, to the statute of Richard II., which was now the existing and binding law upon the subject. Hon. Members were aware that the statute of Richard II. was introduced into Ireland in the reign of Henry VII., along with other English Acts, by the law commonly known as Poynings' Law; and there could be no doubt of that fact, because of the well-known case of Lalor, who was convicted under it in the reign of James I.—(*Howell's State Trials*, ii.) Lalor was indicted in Ireland under that Act, for having assumed the title of Vicar General under the authority of the Pope, and therefore it was clear that that law was actually existing, which in itself would be sufficient to punish the act of introducing into this country or into Ireland any bull, brief, or rescript like that which was now the subject of their consideration. It might be said, then, if there was a law already on the subject, where was the necessity for a new law? To that he thought the noble Lord at the head of the Government had given a most satisfactory answer. He stated that, in the opinion of the law officers of the Crown, the law had been infringed by the introduction of this brief; but he stated at the same time that in consequence of the law having slumbered on the Statute-book for such a long period, it was considered by the law advisers of the Crown, that in all probability, if they brought an action on the present aggression, it might savour of hardship; and this feeling might cause a prosecution under the old statute of Richard II. to fail. Now, he agreed with the law advisers of the Crown, that if there was any one thing more undesirable than the revival of an antiquated and obsolete statute, it was the institution of any prosecution which might prove unsuccessful. But it was also clear that it would not do to leave the law in its present unsatisfactory state—to say that there was a law on the Statute-book which was applicable to a particular occasion, but that from circumstances it was necessarily inoperative; and therefore it became absolutely essential in some way or another to revive the Act of Parliament, to make it applicable to the present day, and to show that there was no intention on the part of the Legislature that the law should continue a dead letter. When the noble Lord originally introduced his Bill, there was no clause which applied to this particular point; and it was suggested to the noble Lord that he would leave the law in a very unsatisfactory state, because his forbearing to prosecute was an indication of the inapplicability of the law to the present occasion; and by not stating in the Bill anything upon the subject of the law, they not only left it in its former state of obsoleteness, but destroyed any little efficacy it might at present have by remaining upon the Statute-book. The noble Lord yielded to this argument, and he took from the hon. and learned Member for Midhurst a portion of the Amendments which he proposed to introduce, and brought them forward in a declaratory enactment, which now constituted the first clause of the Bill. But the noble Lord, having selected only a portion of the Amendments of the hon. and learned Member for Midhurst, had immediately placed himself in a position of inconsistency, and, in his opinion, made the law which he proposed to introduce inconsistent, incomplete, and imperfect. This objection was immediately pounced upon—if he might use the expression—by the acute and intelligent mind of his right hon. Friend the Member for the University of Oxford; and the other night he pointed this out in very striking language. He said that the hon. Member for Midhurst, besides proposing the Amendment, had also proposed the means of making it effectual, and not satisfied with imposing penalties on British subjects who might feel called upon to act under the rescripts of the Pope from a conscientious obligation, he struck at the Papal brief itself, and went on to declare it and all similar briefs illegal. Now the dilemma which the Government was placed in was this—that there was another rescript of posterior date to that which created the English hierarchy, which abolished the jurisdiction of the Roman Catholic Bishop of Cloyne over the Roman Catholic see of Ross, which latter was created into a new diocese. The enacting power in both cases was the same—the nature of the rescripts was identical; and, therefore, the hon. Member said he wished to knw if this Bill would touch the rescript in Ireland as well as the rescript in England? On which the Solicitor General immediately replied, "Was there ever such a mistake? When it was declared, not enacted, that in the eyes of the highest authority in the land a given bull was illegal and void, the right hon. Gentleman came forward and said, 'Here is a bull of the same nature, which has been issued in another country, which bull remains intact and valid, after the bull which is identical with it has been declared to be illegal and void.' He (the Solicitor General) did not apprehend that any gentleman of the legal profession could have fallen into such a mistake." Now the Committee would observe that if any proceedings were to take place in Ireland with respect to the rescript appointing the Bishop of Ross, it would be a proceeding not under this Bill, but under the Act 16 Richard II.; and there could be no doubt that the Judges would, as the Solicitor General suggested, declare the law to be such as the Legislature declared it to be in this Bill. But if they could be embarrassed and perplexed in their decision, it would be by the partial and restricted declaratory enactment of the noble Lord, because it might well be argued by a counsel employed for the defence of the parties, that the Legislature, having before them the fact of the rescript appointing the Bishop of Ross in Ireland, had not noticed that particular rescript at the very time that they were condemning a similar rescript in England; and though it might be perfectly true, that the Judges would ultimately come to a right decision, and that the law would be declared according to the statute of Richard II., yet they might be embarrassed, and feel a difficulty in the course of the discussion, by reason of the limited character of this particular enactment, which was confined to the particular rescript only. Therefore it appeared to him that, although his hon. and learned Friend (the Solicitor General) was perfectly right in saying the Judges would find no difficulty in declaring the law on the subject, he was not so right in saying that by reason of this declaratory enactment they would be guided to a right decision. The learned Solicitor General had expressed the intention of the Government. It was their intention that this declaratory enactment, as it stood at present, should have an efficacy in any decision which might be required from the Judges in Ireland with respect to the rescript appointing the Bishop of Ross—it was the intention of the Government to denounce that rescript; and his hon. and learned Friend said that would be the effect of this declaratory enactment. His (Sir F. Thesiger's) answer to that was, "If that be your intention, why not express it on the face of your Bill fairly, openly, and directly? Why leave the matter in any doubt? If your intention be clear and unquestionable, do not adopt any legislation which leaves it open to difficulty? If such be the object, let the object be carried out by express words." The noble Lord had told the House over and over again that he meant the Bill should apply to Ireland, and that there should be uniformity of law in this particular in the two countries. He had no doubt the noble Lord had come to a right decision upon that subject. He was perfectly satisfied, if they left the law applicable only to England, the effect would be to deliver over the other part of the kingdom to the uninterrupted and uncontrolled authority and jurisdiction of the Pope. He was perfectly satisfied that the noble Lord meant sincerely what he expressed, and did not mean, for one moment, as the hon. and learned Member for Athlone had suggested, to obtain support for his Bill by false pretences—and not fully to carry out his object, and to render his law operative in Ireland. Therefore it was that he felt persuaded—such being the object of the noble Lord, and such being the intention of the Government, as manifested by the expressions of the learned Solicitor General—it was quite impossible, if they were consistent, that they could oppose the introduction of words into this clause, to give that effect to it, coupled with the preamble—which it was intended also to alter—which had been expressly declared to be their intion and object. And he (Sir F. Thesiger) apprehended that the noble Lord would find himself in considerable difficulty and embarrassment, if he pursued a different course; because it was now matter of notoriety, that after this rescript had been issued and had been received in England, and when the strongest excitement prevailed in the country, and feelings of indignation at the aggression had extended from one end of the land to the other, a new rescript was issued by the Pope, as if in defiance of that feeling so generally expressed, by which the bishopric of Ross was created. He would call the attention of the Committee to the views taken of this Act by the newspaper, said to be the organ of the Jesuits in Paris—*L'Univers*—in which this striking and remarkable passage occurred:—

> "Protestant England refuses the right of the Sovereign Pontiff to erect episcopal sees and to name bishops for the direction of the British empire. Is it aware how the Holy See replies to the denials of heresy, to the clamour and threats of English Protestantism? Precisely by using the right and exercising the authority which has been denied to Her. Here is a new subject of irritation for Anglicanism. The Pope is about to erect a new espiscopal see. The diocese of Cloyne and Ross has been divided, and Pius IX. names a new bishop for the new diocese. We give Lord John Russell this information respecting the erection of a new Irish diocese. This will be another difficulty with which he will have to contend when he undertakes to make the sees of those bishops whom Pius IX. has created in the English territory submissive to the sceptre of the British Monarch."

Was not this throwing down the gauntlet of defiance to the noble Lord? It was suggested that the noble Lord's difficulties would be increased by this additional usurpation of the Pope. They might be increased; but the noble Lord had, he was perfectly satisfied, a spirit which would surmount those difficulties. He was convinced that the noble Lord was sincere in his intention to suppress the present and all future aggressions; that he meant his measure to be a perfect and complete one, and to extend to every part of the United Kingdom; and, believing this, he (Sir F. Thesiger) had no hesitation in thinking that the noble Lord would find it was absolutely necessary to introduce into the clause, which he had taken from the Amendments of the hon. and learned Member for Midhurst, those additions and alterations which he (Sir F. Thesiger) proposed to introduce, which could alone carry out the expressed views of the noble Lord. and make this Bill consistent, complete, and efficacious. He would, then, without further trespassing on the time of the Committee, move his Amendment.

The SOLICITOR GENERAL thought his hon. and learned Friend (Sir F. Thesiger) had somewhat misconceived the whole scope and tendency of this clause, and the objects for which it was introduced. He stated that the noble Lord (Lord John Russell) had said that the original Act of Richard II. was so obsolete—so long a period had elapsed since it had been acted upon—that the Government thought it wrong to revive and again call into action an Act so long in disuse. That certainly was one of the grounds stated by the noble Lord for abstaining from a prosecution under that statute; but that was not the only reason. The noble Lord also stated that the penalties of that Act were of a character and description which it was not at all desirable should be revived, namely, the penalties attached to a *præmunire;* and no one could know better than his hon. and learned Friend (Sir F. Thesiger) who had had so much experience in the subject of prosecutions, that whilst it was most unwise to go upon a very old statute, which might be represented by those who had care of the defence as obsolete, it was still more unwise to go upon a statute the penalties of which would be thought unreasonably severe. The statute of Richard II. remained on the Statute-book, and there was no necessity for re-enacting or re-declaring that statute. That was not the object of the declaration being inserted; that was not the object of the reciting, as the Bill did before the declaratory clause was introduced, that all attempts to establish bishoprics under pretence of authority of the See of Rome, were null and void. The object was to make a public and solemn declaration of the State, with respect to an act of violence and aggression on the part of a foreign potentate, under which certain of the subjects of this realm had presumed to assert titles and authority, in other words, to prevent the reviving old and antiquated pretensions to spiritual authority, which the Parliament of England ought to arrest on its first reappearance, by recalling to attention, and reminding the nation of the illegality of all attempts of that description. The Government proposed to do so merely by a recital, which appeared in their measure as it originally stood; and the recital was, that every attempt to establish, under colour of authority from the See of Rome, or otherwise, such pretended sees, provinces, or dioceses, was illegal and void. It was not thought necessary that there should be any enactment whatever. But the hon. and learned Member for Midhurst (Mr. Walpole) thought there was something much more solemn and authoritative in a public declaration—he preferred the mode of declaration to the mode of recital. He (the Solicitor General) was sure his hon. and learned Friend (Sir F. Thesiger) would recollect that, in first answering the observation of the hon. Member for the University of Oxford (Mr. Gladstone), he (the Solicitor General) said the recital would have all the force, all the validity, all the effect, of a declaratory clause. He conceived a declaratory clause would go no further than a recital; it simply told them "what is void is void;" but not only his right hon. Friend (Mr. Gladstone) but other parties—parties whose opinions were entitled to consideration—and he mentioned one right hon. Gentleman who had filled a high judicial position (Sir E. Sugden)—thought they ought to have a declaratory enactment (to use the right hon. Gentleman's own words) "tearing the bull to pieces." And he (the Solicitor General) continued then to say, that it was with that view, conceiving that no legal enactment was necessary—because the law was clear, and no one would dispute that the act was illegal and void, but looking to those views and feelings—the Government saw no reason why that course should not be adopted, which had been adopted in previous instances, although the law was indisputable. The recital could have no effect, and was not intended to have any effect, but simply to remind them that the law was clear and plain. No one doubted that the law was clear, and the attempt to take titles under the See of Rome was illegal. The whole function of the declaratory clause was simply to make a public declaration, a solemn act of the Legislature, against a very unusual and a very unprovoked attack on the part of a foreign Potentate, and an attempt to revive old and obsolete authorities. The Government were doing that which the circumstances of the case required them to do, by fastening on a particular offence, and declaring the particular bull which had created that offence to be illegal and void. He said then, and he said now, that that was by far a more dignified course, than hunting every bull, every rescript, which the Pope might think proper to issue. The great offence had been that bull, which annulled the whole sees of England—Canterbury, York, London, &c.—and established over this realm a wholly new hierarchy. That was the instrument which had created the feeling of indignation in this country, and which required to be solemnly dealt with; and he confessed it seemed to him an indescribable bathos to come down from that instrument to what had since been done by the Bishop of Rome, in respect of the See of Ross, which, following the general law, was void, and required no solemn declaration or enactment. The act of the Pope with reference to the bishopric of Ross, stood upon an entirely different footing. It fell under the Act of 1829, being an existing see of the United Church of England and Ireland. The Act of 1829 dealt with that assumption, and, therefore, the insertion of the words proposed, so far from strengthening that they were about to do—by a declaratory enactment against the audacious bull with which they were dealing—would be only throwing it into the general mass of all other bulls, rescripts, or documents, which the Pope might issue. There was a plain and distinct outrage to deal with. They made that the foundation of their declaration, and that declaration was to be taken as recognising every other bull in the same way. The hon. and learned Gentleman said he wished to test the intentions of the Government; but every lawyer must know that the declaratory clause imposed no new penalties. The prohibition did not rest on that clause at all; and the second clause would teach every person that the attempt to assume any title, whether by the authority of the See of Rome or otherwise, was illegal. The declaratory clause was introduced solely with the view of making a national declaration or protest, and the addition of the proposed Amendment would be a mere insertion of vain words, which, instead of strengthening, would materially weaken the effect of that protest.

The EARL of ARUNDEL AND SURREY must remind the Committee that the tenour of recent legislation had very much altered the position of bulls from Rome. By the 31st of George III. the right of English Catholics to acknowledge the spiritual supremacy of the Pope was admitted; and the following letter was about that time addressed by Burke to Mr. William Smith:—

> "But the business of the Pope (that mixed person of politics and religion) has long since ceased to be a bugbear; for some time past he has ceased to be even a colourable pretext. This was well known, when the Catholics of these kingdoms, for their amusement, were obliged on oath to disclaim him in his political capacity, which implied an allowance for them to recognise him in some sort of ecclesiastical superiority. It was a compromise of the old dispute."

In 1846, Lord Lyndhurst brought in a Bill, in the House of Lords, for the total repeal of the 13th Elizabeth. That Bill passed the second reading in the Committee, but was arrested in its progress by a change in the Administration. Upon the Whigs succeeding to office, Lord Lyndhurst drew

> —"their Lordships' attention to a Bill which had been for some time before their Lordships' House —he meant the Religious Disabilities Bill. That Bill had passed through Committee on the understanding that a communication should take place on the subject between himself and a right rev. Prelate (the Bishop of Exeter), and it was now waiting to be recommitted, with a view of considering some Amendments that were intended to be proposed. He had since had an opportunity of meeting the right rev. Prelate, and had agreed with him as to some Amendments. He wished at present that their Lordships would consent to go into Committee *pro formâ*, for the purpose of having the Amendments printed, with one or two others which he intended to propose. He understood that Her Majesty's Government were disposed to make this a Government question, to be brought forward as a Government Bill. He was willing to accede to that proposal on the distinct understanding that they would proceed with the measure without any avoidable delay."—[3 *Hansard*, lxxxvii. 1378–9.]

The Marquess of Lansdowne (who could not have been at all aware of the clauses proposed to be introduced by the Bishop of Exeter) said

> —"he was exceedingly glad that the noble and learned Lord was willing to go on with the measure. He could not have the least hesitation in assuring the noble and learned Lord, on the part of the Government with which he had the honour

to be connected, that they would consider this Bill as a Government measure, so far as giving it every facility in their power in its progress through Parliament."—[*Ibid.*]

The Bill subsequently passed in a modified form, removing all the penalties, but not stating that Bulls were henceforth lawful. As he (the Earl of Arundel and Surrey) should have an opportunity of again addressing the Committee, he refrained from further observations at present.

Mr. DISRAELI: Sir, the difficulty which is now felt appears to me to arise in consequence of the Government having accepted the first clause proposed by my hon. and learned Friend the Member for Midhurst (Mr. Walpole), without adopting at the same time the preamble which he proposed, because if the preamble of my hon. and learned Friend had been adopted by the Committee, I do not think there would be any necessity for the Amendment proposed by my hon. and learned Friend the Member for Abingdon (Sir Frederic Thesiger); and as I do not despair of the Committee adopting, on the proper occasion, the amended preamble proposed by my hon. and learned Friend the Member for Midhurst, I trust my hon. and learned Friend will pause before he divides the Committee on an Amendment which will be perfectly unnecessary if the general scope of the Amendments of my hon. and learned Friend the Member for Midhurst is adopted. The objection to this first clause would be entirely removed if it were preceded by the preamble of my hon. and learned Friend the Member for Midhurst. Why I am in favour of the first clause as it present stands is this—that what I desire principally to see in this Bill is, that it shall be a retaliatory Act, and, therefore, that it should have on its face a declaration that it has been occasioned by the aggressive conduct of a foreign Power. That effect would be materially diminished if the Amendment of my hon. and learned Friend the Member for Abingdon were carried. The objection that the case of Ireland would not be included in the first clause as it now stands, is also met by the consideration that the Amendment proposed by my hon. and learned Friend the Member for Midhurst, in the second clause, namely, the insertion of the words "the United Kingdom," would include the case of Ireland. This first clause is, to a certain degree, inconsistent and incongruous; but as I take that clause only as a part of the design of my hon. and learned Friend the Member for Midhurst, which, as a whole, appears to be consistent and congruous, I am disinclined to adopt the suggestion of my hon. and learned Friend the Member for Abingdon, though I admit that, *per se*, it is an extremely sensible suggestion. But, considering the circumstances under which we are called upon to disapprove of this matter, I am not inclined to disturb the language of the clause, trusting that it will be preceded by a preamble and followed by a clause which will supply all the deficiences pointed out by my hon. and learned Friend the Member for Abingdon. It may be almost presumptuous in me to give an opinion on such a matter; but I must say that I agree with the hon. and learned Solicitor General that the case of the See of Ross is met by the provisions of the Roman Catholic Emancipation Act. But if that be so, how happens it that the Bishop of Ross has not been proceeded against? I hope the Government will give some explanation on this point.

Mr. ROEBUCK said, the hon. Member for Buckinghamshire had made a great mistake. The preamble had nothing to do with the Bill. They must consider the Bill without reference to the preamble, because the Judges would pass their pen, or their mind's pen, across it, and ask what was the meaning of that clause by itself? He (Mr. Roebuck) was quite prepared to protest that the view of the hon. and learned Member for Abingdon (Sir Frederic Thesiger) was the only consistent view of the case which it was possible for the supporters of the Bill to take; but he wholly dissented from the necessity of the proceeding. The hon. and learned Gentleman the Solicitor General had talked of the law as it stood in regard to this question, and of the statute of Richard II., which was the well-known statute of *præmunire*. What was that? That was really a law to protect the King's power, which, at that time, was really assailed. The Pope rode triumphantly through the kingdom, and claimed the power of civil jurisdiction, and nothing but an Act of Parliament could thwart that power and drive it out. Then they were referred to the 1st of Elizabeth, which was passed because the 1st and 2nd of Philip and Mary had repealed all the provisions made against the See of Rome by the 20th Henry VIII.; and when the Act of Elizabeth was passed the Pope possessed ecclesiastical and civil jurisdiction in these realms. But was that the case of England now? And if it was not, were they not going upon a false assumption? Were they not completely and thoroughly free from all dominion of the Pope? The Roman Catholics in England were merely Dissenters. The declaration of the Pope was not what it was when those Acts of Parliament were passed. The declaration of the Pope was that of a private individual, not considered by the law—having no power by the law—and, therefore, when the Government pronounced against that power, did they not treat it in manner wholly impolitic? We were not in the state now in which we were when the Acts of Richard II. and 4th Elizabeth were passed. We were now completely free from all foreign domination, and the power of the Pope was merely a moral mental power, which could not be enforced by a single legal authority, and acted only by consent, upon the minds of men. He solicited the attention of the hon. and learned Attorney General to a question which he had propounded, and which had not yet been answered. Either this clause was useless, being superseded by the second clause, or it went much further than it pretended. The reply of the Solicitor General to the suggestion of the hon. and learned Member for Abingdon was that it was unnecessary, because the Bill did deal with all descriptions of rescripts, briefs, &c. Now, he (Mr. Roebuck) would go back to the preamble. The preamble recited, not against the assumption of titles, but against a certain power to be exercised within any province of the United Kingdom. Now, here the right hon. and learned Gentleman the Master of the Rolls, while Attorney General, drew a great distinction between a bishop of and a bishop exercising power within, a province or see. In the preamble of the Bill the words were used, "Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees and dioceses within the United Kingdom," &c. Now, supposing the Pope appointed an Archbishop of Heliopolis, exercising jurisdiction in the diocese of Bath; in that case he would not have assumed the title of any existing bishopric or see, or any title to any part of England, but only a title to exercise certain jurisdiction within a certain province; and he wished the present hon. and learned Atttorney General to inform him whether, in that case, this Bill would possess any efficacy? He wanted to know whether it was intended to render invalid all the acts of a bishop appointed by the Pope of Rome to exercise jurisdiction in a certain district? Because, if so, that would not be the effect of the present clause. Then came the proposition of the hon. and learned Member for Abingdon, who on this occasion was acting with perfect consistency. He (Mr. Roebuck) understood his object, but that, he presumed, was not the object of the noble Lord at the head of the Government. Then, to come back to the proposition of the hon. Member for Buckinghamshire (Mr. Disraeli) as the preamble restricted the Bill to the said Brief, and a particular Brief was attacked, what was there to prevent the Pope issuing a fresh Brief to-morrow? and if it was not for the Act of 1829, the Brief appointing the Bishop of Ross would be without the law of England. But if the titles assumed were not the titles of existing sees, they could not touch them under the Act of 1829, nor by this Bill, which referred to one particular Rescript. All the mischief talked about, all the horrors they were anticipating of falling under the dominion of the Pope, would be actually in existence, and that marvellous eloquence of his hon. and learned Friend the Member for Midhurst, which seemed to be produced by a different atmosphere—that of Exeter Hall—would have something on which to expend itself. What was the Government about to do to avert the doom of waking one fine morning under the dominion of the Pope? He asked the hon. and learned Attorney General to point out, if he could, the fallacy of the argument he (Mr. Roebuck) had used, and to show, if he could, one single disability which was not included in the second clause.

The ATTORNEY GENERAL said, that the hon. and learned Gentleman called upon him to answer the question which he had thought proper to put to him. He (the Attorney General) owned that he rose with reluctance to answer the question; for without intending to say anything offensive to the hon. and learned Gentleman—for he never wished to give offence—he must be permitted to say that if he called in question the hon. and learned Gentleman's law, or differed with him as to the conclusions to which he had come on any subject, the hon. and learned Gentleman got quite angry with him; all he could say was, that if the hon. and learned Gentleman got angry with him on the present occasion, he could not make him (the Attorney General) angry with him. The hon. and learned Gentleman was quite wrong in the view which he had taken of this clause. The preamble and the first and second clauses had reference to the assumption of ecclesiastical titles derived from Rome, and sees carved out from districts within this empire. The hon. and learned Gentleman put the case of the Bishop of Heliopolis exercising spiritual jurisdiction within a certain province or diocese. All he (the Attorney General) would say was, that such titles would not be within the preamble, and for this reason, because it would not be the assumption of an ecclesiastical title of an archbishop or bishop of any province or diocese in England. So long as Roman Catholics exercised episcopal functions among their own community without assuming titles derived from territory within this kingdom, neither the present Bill nor the 10th of George IV. would at all affect them. This clause did not carry the provisions of the Bill further than the recitals in the original Bill. It took nothing from the efficacy of the measure; but it did something more than a mere recital of the illegality of the act of the Pope, for it was a more solemn and emphatic declaration of the will of Parliament, and the sense of the nation in reference to that act. It therefore did no harm: it satisfied the feelings of many persons; it removed all doubt and ambiguity that might attach to the proceeding; it openly declared what the law was; and, therefore, it might do good; whilst, on the other hand, it could lead to no harm. Into the proposal of his hon. and learned Friend (Sir Frederic Thesiger) to introduce the plural number instead of the singular, he did not propose to enter, as it had already been fully discussed; and he thought that his hon. and learned Friend the Member for Sheffield (Mr. Roebuck), on further and more mature consideration, would agree with him that the case which he had propounded did not come within the Bill.

Mr. ROEBUCK must ask if he was then to understand that the law officers of the Crown considered the efficacy of the Bill was to this extent: that to-morrow the Pope might issue a Rescript, or Brief, really and truly dividing England, giving to certain parties the names of Bishops of Heliopolis and elsewhere, but in reality making them bishops of dioceses in England? The Pope could give them synodical action, and this Bill did not touch the matter at all. He was glad to find the law officers of the Crown admit that point, and he should be quite satisfied if the Judges of the land would do the same thing.

The ATTORNEY GENERAL said, the hon. and learned Gentleman had made another mistake. He had assumed as a fact that bishops acting with foreign titles were capable of carrying on synodical action. Now, the so-called Archbishop of Westminster, Cardinal Wiseman, in a letter which he addressed to the people of England, expressly justified the assumption of power on the part of the Pope, as contained in the Rescript, upon the ground that an episcopacy with ecclesiastical titles derived from the sees within the realm were especially necessary to synodical action.

Mr. MONSELL wished to know whether the hon. and learned Gentleman meant to say that this Bill would prevent synodical action? The hon. and learned Gentleman had previously stated that this Bill would leave Ireland in precisely the same state as it found it. Now at present there was no law against synodical action in Ireland; and therefore the hon. and learned Gentleman must, in one or other of his statements, be wrong. With reference to the Act of Richard II., he did not see that there was any analogy between the circumstances under which that was enacted, and the present case. He would remind the hon. and learned Member for Abingdon (Sir Frederic Thesiger) of the celebrated case in the reign of Edward III., in which all the Judges were unanimous. Judge Kelsey said—

> "The writ ought to be *ratione temporalium episcopatus;* for the bishopric is a thing spiritual, which cannot come to the king."

Judge Parnell said—

> "The temporality and spirituality make a bishop; and as the spirituality cannot come into the hands of the king, the temporalities shall; and in ancient times the kings were accustomed to give the bishopric."

Judge Hank said—

> "As well might the king say, that in the time of voidance he can, as the Pope, give a bishopric, not only in temporalities but in spiritualities."

Judge Houp said—

> "The spirituality without the temporality can be a bishopric; but if the temporality be joined to the spirituality, the Pope cannot give the temporalities except at the will of the king; the temporalities may remain in the hands of the king, and yet a bishop can be created."

Now, in what way could this act of the Pope be said to affect the temporality of this kingdom, that temporality being understood in the same way that it was at the period of history to which the Act adverted to referred, and to which reference was made by the noble Lord at the head of the Government in his opening speech? In the case of Lalor, the only proof against him was that he signed himself "*Vicarius Apostolicus*," and that was the case that was brought here to justify an attack made upon the Roman Catholics of this country for having changed their system of government here from vicars-apostolic to bishops. The Roman Catholics here and in Ireland claimed nothing except the power of being governed in spiritual matters in the way they thought best; and by no manner of special pleading whatsoever could it be made out that interfering with them in their spiritual government was anything else than an act of direct and gross persecution. As for this country saying they could judge for the Roman Catholics what was the best form of government for them, why, how would they like the Roman Catholics to judge for them? How would they like Cardinal Wiseman to decide how the Wesleyans or the Church of England should be governed? and yet that was not more absurd than for the people of this country to say they should decide how the Roman Catholics should be governed in spiritual matters.

Lord JOHN RUSSELL thought the hon. Gentleman's statement was more fitted for the second reading of the Bill than applicable to any Amendment on the present clause. With respect to the Wesleyan body, he had never heard that the Wesleyan Conference had pretended to govern any other but the members belonging to their own community, or had ever presumed to declare that all Christians were bound to obey them, and that Roman Catholics must submit to them.

Mr. MONSELL said, that that was not an answer to the question he had put to the hon. and learned Gentleman the Attorney General.

Lord JOHN RUSSELL: Upon the third reading of the Bill we may discuss it.

Mr. MONSELL said, he had put a very clear and simple question to the hon. and learned Gentleman with respect to the effect of this law upon Ireland, and he should be obliged by an answer.

The ATTORNEY GENERAL said, the same question had been asked and answered on the second reading of the Bill. He apprehended that the Bill would, indirectly, have the effect of stopping synodical action in Ireland.

Mr. MONSELL said, that was not the point. He wished the hon. and learned Gentleman to reconcile his two statements—that the Bill would have the effect of stopping synodical action, and yet that it would in no degree alter the law in Ireland as existing since the Emancipation Act.

The ATTORNEY GENERAL said, that the Emancipation Act already prevented synodical action, because it contained a provision specially relating to the assumption of titles of existing sees. He might be told that Roman Catholic bishops in Ireland assumed those titles notwithstanding; but it was upon that evasion of the law that they grounded the possibility of having synodical action. All he said was, that the present Bill would carry the law no further than as it existed at present in Ireland in this respect, for the assumption on the part of the Roman Catholics of titles of existing sees, and synodical action as a consequence thereof, were already illegal.

Mr. TORRENS M'CULLAGH said, it was to be understood, then, that the Bill did nothing against the Catholics in Ireland which the Act of 1829 did not do. The Synod of Thurles was a violation of the law of 1829, then, or it was not. If it was, it ought to have been stopped. Its not having been stopped, and the introduction of this Bill to put a stop to synodical action, was a clear admission that this was a new Bill of pains and penalties. But the noble Lord at the head of the Government had said that the Act of 1829 had not been put in force because it had not been broken. The bishops in Ireland had not violated the law, and, except the case of the Archbishop of Tuam, there was no attempt to evade the law; leaving the Committee under the impression that if the noble Lord and his advisers had known the law was violated, he would have considered it his duty to administer the law. The hon. Member for Buckinghamshire (Mr. Disraeli) said, that he approved of this short clause proposed by the hon. and learned Member for Midhurst (Mr. Walpole), because it was retaliatory. Was that the principle to act upon in this year 1851—to make the laws in a retaliatory spirit? Was it the duty of the Legislature to usurp the functions of the Executive Government, and make laws in a retaliatory spirit against the Queen's subjects? Were they to insult the faith, abridge the liberties, and take away the rights of millions of their fellow-subjects in order to exercise a retaliation upon a foreign Power? What was this retaliation? It was described by the hon. and learned Member for Midhurst as characteristic of the ancient spirit of our ancestors; and he prayed the attention of the hon. and learned Gentleman to the inconsistency of this. They were told that the statute of Richard II., and the statutes of first and second of Elizabeth, were all precedents. The statute of Richard II. recited what were termed evasions of the authority of the Crown, and of the regality of the King, by the Pope; but the statute spoke throughout of the invasion of the regality and temporal rights of the sovereign as regarded his kingdom, and not of invasions of his spiritual rights or jurisdiction. At the time the statute of Richard II. passed, there was a formidable potency in whatever came here from the Pope. At that time the whole community recognised the authority of Rome, and it was impossible for the Crown to dispose properly of the subject. That statute was passed for political or temporal, and not for ecclesiastical purposes, and it could not be compared with the Bill now before the Committee: it was then known that on the walls of the cathedral and the palace in London a bull had been posted denying the legality of the succession to the Throne; but where was now the pretence of any attempt to dispute the succession, or touch the regality of the Sovereign? The Bill was retaliatory upon the Queen's subjects for an insult they thought had been offered to their own religion, and was proposed for no other motive whatever. As regarded the effect of this clause, he would ask the hon. and learned Solicitor General what that effect would be, if, as he had stated at the beginning of the evening, no civil consequences would ensue from it? Did the hon. and learned Gentleman mean to say that a prosecution would not lie for misdemeanour for an infraction of this law as well as the other?

SIR HENRY WILLOUGHBY said, he would request the hon. and learned Member for Abingdon (Sir Frederic Thesiger) to leave the clause as it at present stood, on the ground that in cases of this nature it had never been the policy of the Legislature to go beyond the necessities of the case. The Pope had made what was considered to be an attack on the supremacy of the Sovereign in a particular form, and it was to strike at that form, which assumed the shape of a Brief, Rescript, or Letter Apostolic, that the present Bill was introduced. If former statutes were referred to, it would be found that particular acts of aggression were always singled out —not with the slightest intention of insulting Roman Catholics, or of interfering with their religion, but simply to assert the supremacy of the Sovereign.

MR. NAPIER doubted very much, from the turn the debate had taken, whether the mode proposed by the hon. and learned Member for Athlone (Mr. Keogh) of taking the preamble first, would not be better. The Legislature were about, by this Bill, to deal with a double offence, namely, with the aggression of a foreign authority, and with those subjects of the realm who were aiding and abetting it by accepting the titles prohibited by the Bill. The preamble proposed by the hon. and learned Member for Midhurst (Mr. Walpole) would cover the case of the bishopric of Ross, which the Government preamble would not. [Here the hon. and learned Gentleman quoted a passage from a newspaper, to the effect that the Sees of Cloyne and Ross had been just separated by the authority of the Pope, who had thus added another bishopric to the Romish Church in Ireland.] He would accept the clause of the hon. and learned Member for Midhurst, provided his preamble also was to stand; but if not he would rather have the Amendment of the hon. and learned Member for Abingdon (Sir Frederic Thesiger). In Richard Lalor's case, Lalor had been convicted under the Act of Elizabeth, then recently passed; and the Attorney General, to avoid being charged with putting in force a Protestant law made for religious purposes, went back to the old statute, 300 years old, for a law made in Catholic times for the safety of a Catholic country; for Lalor was convicted under the Protestant law of Elizabeth for exercising episcopal functions by authority from the See of Rome. It had been said that there was no law in Ireland to prevent such a synod as that of Thurles; but there was the direct authority of Sir Edward Sugden to the contrary. He (Mr. Napier) had no doubt that the late Synod of Thurles was a violation of the law. To use the words of the Lord Lieutenant in a late letter, if the legal evidence were as sure as the moral certainty, that synod would be a plain case within the statute of Richard II. and the 1st and 2nd of Elizabeth. Would any lawyer say, that if Roman Catholic bishops, appointed under the authority of the Pope, should meet under the presidency of a legate from Rome, such an assembly would not be illegal? Dr. O'Connor, a learned and accomplished Roman Catholic, who had been excommunicated for holding liberal opinions, said that in his judgment Lalor had been justly prosecuted. An attempt had been made to draw a distinction between temporal and spiritual functions; and there was a letter written by Thomas Moore, the poet, touching upon that very point. [The hon. and learned Gentleman here read an extract from the letter, which was to the effect that the distinction sought to be drawn between spiritual and temporal functions was an endeavour to reconcile submission to the Pope with the discharge of our other duties; but that the spiritual authority of the Pope would still combine with itself many gross particles of temporal power which it behoved a wise Government to resist.] At the time the Act of 1829 was passed, it covered the case of every bishop in Ireland, and he was contented to abide by it. If that Act had been administered on both sides effectually and wisely, without connivances at breaches of that Act, all parties would have been in a better position than they were at present. He would recommend the Government and the Legislature calmly and deliberately to consider the subject, and to decide what, by the existing constitution of the country, Roman Catholics were really entitled to. He, for one, was not desirous to take from them what they had, or to infringe the liberty they possessed; but he was determined to resist every attempt emanating from foreign authority which he considered inconsistent with the rights, liberties, and religion of the people of this country.

MR. ROEBUCK said, that the hon. and learned Member had set the Committee a difficult task—that of a court of judicature. But they were legislators, and not a court, and they had to decide not what the rights of Roman Catholics were, but what they ought to be. It rested with the Government to put that in motion, and it rested with the Government by constitutional means to define their rights. He spoke not as a lawyer, but as a statesman; and he appealed to the noble Lord whether he and his Government had not done all in their power to make these people believe that they had the power of synodical action. Did not the Lord Lieutenant of Ireland know of the Synod of Thurles? Was it a thing done in a corner? Were not the legal authorities of the Irish Government—the police—employed not only to protect the bishops, but to impart dignity to them in their assembly. It would not do to come down now and ask that House to go calmly into the question whether synodical action was legal or not. He said that the fault lay at the door of the noble Lord—at the door of the British Government; that he had fostered this spirit, and had told the Roman Catholics that they should have this power; and now at last the noble Lord had turned round upon them most unfairly as regarded the Roman Catholics, and most injudiciously as regarded the policy of this country. He (Mr. Roebuck) was prepared to maintain, that a synodical act, as described by the hon. and learned Attorney General, done under the title of bishops *in partibus*, with dioceses in England, was, with regard to political purposes and considerations, precisely the same as though it were done by them under the assumption of the titles of existing dioceses in England or Ireland.

Sir GEORGE GREY, in answer to the statement which the hon. and learned Gentleman (Mr. Roebuck) had made regarding the attendance of a guard of police as a guard of honour upon the bishops, and which statement had been also made by the hon. and learned Member for Enniskillen (Mr. Whiteside), said, that he was now in the position, by the authority of the Lord Lieutenant, to give the most explicit contradiction to that statement. He had received a report from the head of the local constabulary of Ireland, and the truth of the matter was that the police was increased to the number of fifty, and sent to the place where the bishops met on the 15th of August, simply because a large assemblage of people from the country was anticipated; and the police were there to prevent any breach of the peace, as was usual in large assemblages of the people, and for no other purpose. There was nothing in the attendance of the police on that occasion that was inconsistent with the duty of the Irish Government; and it would have been contrary to their duty if they had not sent a sufficient number of police to keep the peace. But there was nothing in their attendance that could give any sanction on the part of the Government to the so-called Synod of the bishops at Thurles. But then it had been said that it was quite well known they were to assemble there. Were the Government, however, although possessing the knowledge that they were to assemble, to anticipate that they would assume titles which the law prohibited, and hold a synod which was illegal? The Government had acted the wisest part which they could in the matter; and because they had not forcibly dispersed this assemblage of Irish bishops, a step which would have been denounced as a violent and unjustifiable one, and would have caused, doubtless, great confusion, besides in all probability leading to an outbreak against the constituted authorities—because they had not done this, therefore was it argued that Government had given an authoritative sanction to an illegal synod, and had refrained from taking those measures necessary to vindicate the authority and supremacy of the Crown. He hoped that they would hear no more of this accusation of the Government having given their sanction to an illegal assembly.

Mr. WHITESIDE, in reference to what the right hon. Gentleman had said, would merely say that he had been informed from the best authority that the police, on the occasion referred to, did line the road from the Cathedral of Thurles to the College, and between the lines of the constabulary the Roman Catholic hierarchy walked in procession. The primate, who was clothed in the same dress he wore at Rome, did cross the public road, and proceed thus escorted to the cathedral. His informant further stated that it was generally supposed, from the circumstances of the magistrates being present, the police being assembled there under their authority, and the improbability of the slightest breach of the peace occurring on an occasion of a religious procession of Roman Catholic bishops amongst a Roman Catholic people, that it was intended by the Government to lend their sanction to the whole proceeding. If the right hon. Gentleman who had just addressed the Committee were as intimately acquainted with Ireland as he was, he would admit that this was not the only occasion of the sanction of the Government being given to the use of these titles by the Roman Catholic hierarchy.

Mr. ROEBUCK, in reply to what had been said by the right hon. Baronet (Sir George Grey), begged to ask if the Lord Lieutenant had not given precedence to these Irish bishops? Had that not been done habitually, and had the bishops not been known by the titles of the places in which they laboured, and which they had assumed? These titles, moreover, let it be remembered, had been mentioned in legal documents, and further, had been recited even in Acts of Parliament. While the noble Lord (Lord John Russell) and his Lord Lieutenant knew all these things, it was making rather too light of the matter for the right hon. Baronet (Sir George Grey) to come forward now and say that the Government could not contemplate the Synod of Thurles resorting to the assumption of titles. He (Mr. Roebuck) was ashamed to hear such a mode of argument.

Sir GEORGE GREY said, the hon. and learned Member (Mr. Roebuck) had now changed his ground, and had charged the Government with giving precedence to Roman Catholic bishops. It was quite true that they had given this precedence; but the precedence had not originally been given by the present Government. The hon. and learned Member could not show him an Act of Parliament which could prevent the Government from calling a Roman Catholic archbishop "your grace," and a bishop "my lord;" and although he (Mr. Roebuck) said that the Government had exceeded their duty in giving precedence to the Roman Catholic dignitaries, that was a totally different thing from what he had charged them with previously, viz., a direct violation of the law. The hon. and learned Member had also said that these titles were used in public documents and Acts of Parliament; but with the single exception of the list admitted to *entrée* inserted in the *Dublin Gazette*—a document which had often been referred to, he (Sir George Grey) was not aware of any public paper in which these titles had been used with the sanction of Government.

Sir FREDERIC THESIGER said, he had been pressed by the hon. Member for Buckinghamshire (Mr. Disraeli), and by the hon. and learned Member for Midhurst (Mr. Walpole), to withdraw his Amendments. Now, it was not without due care that he had prepared those Amendments for the consideration of the Committee. He had dealt with the Bill as it was put forward by the Government, and he could not assume that any Amendments proposed to be introduced would be adopted by the Government, or by a majority of the Committee. Having listened to all the arguments which had been adduced on the subject of these Amendments, he must say that he had not heard one which satisfied him that those Amendments ought not to be introduced, supposing the Government Bill ultimately to stand. Now, if the Government would adopt the whole of the preamble of his hon. and learned Friend the Member for Midhurst (Mr. Walpole), that would accomplish the object he had in view; but as he did not anticipate that would be the case, he would just call the attention of the Committee to the situation in which he should be placed. The preamble and the clause as they now stood, were directed against a particular rescript only. His object was not to confine the operation of the Bill to that particular rescript. He wished to carry out the object of the Government by introducing some alterations in the clauses; and the withdrawal of his Amendments would leave the Bill incomplete and inconsistent. Although it might be somewhat inconvenient and disadvantageous to disunite those who were anxious to carry out the Bill, a regard to his own character required him to do that which was essential to make the Bill operative, and therefore he felt bound to press his Amendments.

Lord JOHN RUSSELL said, there had been a doubt as to whether the hon. and learned Member (Sir Frederic Thesiger) intended to press his Amendment; but as he had now declared his intention to do so, he (Lord John Russell) trusted that the Committee would keep to the discussion of the Amendment, and not go into the general question involved in the Bill. He agreed with the argument which had been stated by his hon. and learned Friend the Solicitor General. The Bill as it stood originally stated that there had been certain persons in this country who had assumed the titles of archbishop and bishops on the authority of the See of Rome, and declared that all such assumptions were void and illegal, and proceeded to enforce penalties on the violators of the law. It had been said, the Bill did not point so directly as was desirable to what had been the great cause of offence—that which had excited so much indignation and discussion throughout the country—namely, the letters-apostolic received from Rome. The Government had considered that there was some force in this argument; and although the preamble contained a general declaration of the illegality of such assumptions, they had agreed to introduce Amendments which went the length of declaring illegal and void the particular rescript of the Pope in question. The hon. and learned Gentleman (Sir Frederic Thesiger) had proposed to introduce other rescripts in regard to which he did not seem aware of the bearing of the existing law. By acceding to the Amendment they would take away the strength which the measure possessed in dealing with a particular rescript and act of the Pope, and would dilute and disperse the declaration of the preamble, instead of making it more effective. It was upon these considerations he (Lord John Russell) had been induced to agree to some of the Amendments of the hon. and learned Gentleman (Mr. Walpole). He trusted the Committee would at present discuss the Amendment only, and not go into the general question.

Mr. C. ANSTEY would say, as a lawyer, that the adoption of the Amendments of the hon. and learned Member for Abingdon would have the effect of preventing the Roman Catholics in this kingdom from effecting any organisation whatever, although such organisation had been recognised by previous Acts of Parliament. The Amendment of the hon. and learned Member for Midhurst was prefaced by a preamble to which he entertained the strongest objection; but he thought the Government would have exercised a wise discretion if they had borrowed a portion of the preamble as a preface or apology for the first clause. The question was, would the first clause have the effect of preventing such innovations as had recently taken place? He was indifferent to the opinion of any Gentleman, in or out of that House, and, so far from opposing the first clause, he would vote for it. He considered it a step in advance of the principle of civil and religious liberty. By adopting that clause, they would be legislating in the spirit of the statutes of Richard II., and the 38th of Edward III., and not in the spirit of the Acts of Elizabeth. If the legislation did not proceed further, it would be in consequence of the conduct of Roman Catholic Members who had shown a disposition to be governed too much by a consideration of their faith, and too little by their impartiality as subjects of a British Sovereign. He was representing the sentiments of hundreds and thousands of Roman Catholics in the country, who, he regretted to say, had not had the courage to come forward in their own persons to support those statements, which he made in their name, and as their deputy. [*Laughter.*] He would refer the hon. Member for Tipperary (Mr. Scully), who laughed at what he had been saying, to the numerous petitions and memorials that had been addressed to the Court of Rome from Roman Catholics of this country, some of which had found their way into the public newspapers. He would vote against this Bill being extended to Ireland, and against the hon. and learned Member for Abingdon's Amendment; but, as he said before, he would vote in favour of the first clause.

Mr. WALPOLE said, in his Amendment he had endeavoured to confine himself to the specific offence with which it was necessary to deal—the introduction of a Brief, not merely conferring titles, but parcelling out the kingdom, and interfering with the ecclesiastical jurisdiction of the bishops and ministers of the Church of England. That was a grievous offence, and the proper way to deal with it was by a declaratory enactment. His preamble recited—

> "Whereas, the Bishop of Rome, by a certain Brief, Rescript, or Letters Apostolical, purporting to have been given at Rome on the 29th day of September, 1850, hath recently pretended to constitute within the kingdom of England, according to the common rules of the Church of Rome, a hierarchy of bishops named from sees, and with titles derived from places belonging to the Crown of England."

And it then went on to state that—

> "Whereas the said Brief, &c., and all such or the like acts or matters touching the Queen, her crown, her regality, and the realm, and the pretended constitution of a hierarchy of bishops named from sees and with titles derived from places belonging to the Crown of England, are usurpations and encroachments in manifest derogation of the Queen's authority."

The clause then provided—

> "That the said Brief, &c., and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, are, and shall be, and be deemed unlawful and void."

And why? Because it pretended to constitute a new hierarchy in the country. That was a specific offence. He was afraid of introducing any general words which might touch functions purely religious and spiritual; and thinking it advisable not to go beyond the specific occasion, he preferred the clause as it now stood. One word as to Ireland. Either this was an imperial question, or it was nothing. He did not exclude Ireland; but at the same time he did not wish to drag that country in, unless the Pope should do there what he had done here. Seeing that the supporters of the Bill had but one common object in view, he trusted his hon. and learned Friend (Sir Frederic Thesiger) would withdraw his Amendments.

Mr. SADLEIR thought the lawyers had succeeded in placing the legal aspect of the Bill in as great confusion as the opponents of the measure could desire. Leaving that, however, in the state of inextricable doubt into which it had been plunged, he rose to set the Committee right as to a matter of fact. The hon. and learned Member for Youghal, and some other hon. Members, had had the temerity to repeat the very stale and hackneyed allegation that the establishment of a hierarchy in England was a wanton and needless act on the part of the Pope of Rome, suggested by some desire to disturb the peace and order of this kingdom. The hon. and learned Member for Youghal had stated that the establishment of a Catholic hierarchy in this country was not viewed with approbation by a large portion of the Catholic laity, who secretly desired the interference of the Legislature in their behalf. He should only, in answer to this charge, read an extract from a declaration just published, made by the Roman Catholic laity, and signed by the Earls of Shrewsbury and Newburgh, many others of the nobility, a dozen baronets, and 500 of the most respectable Roman Catholics in England. This declaration stated:—

> "We reject with the utmost scorn and indignation the imputation that we wish for any interference between our revered prelates and ourselves, or require any protection for our rights and property against them and the powers conferred by the hierarchy. We regard every attempt made to represent a penal law against our bishops as a measure passed for our benefit and at our request, as an attack upon our honour. And we make this statement for the express purpose of depriving any person who may again hazard these insinuations (whether he be a professed enemy to our religion, or a secret foe within our own body) of all credit and attention. Moreover, we protest most strongly against the glaring impropriety of founding measures against the Catholic bishops, clergy, and laity, on secret or anonymous information, or on any statements, except such as shall be made openly and in a manner which will enable us to refute them if untrue. We declare that the government of the

Catholic Church, through a regularly constituted hierarchy of diocesan bishops, is the only normal and perfect condition of the Catholic body."

He strongly recommended this "declaration" to the perusal of hon. Members.

Mr. HENLEY thought that the introduction of the words proposed by the hon. and learned Member for Abingdon would tend to place the Committee in a position of some difficulty. Part of the Amendments proposed by the hon. and learned Member for Midhurst had been adopted by the Government, and the subject could be discussed with more advantage if the second Amendment were postponed until it was seen what would be the fate of the proposal of his hon. and learned Friend the Member for Midhurst; for if that were adopted, almost the same object would be effected as was aimed at by the second Amendment.

Sir FREDERIC THESIGER was anxious to take the discussion in the way most convenient to the Committee; and as he should be satisfied if the Amendment of his hon. and learned Friend the Member for Midhurst were carried, he was content to adopt the suggestion of the hon. Member for Oxfordshire (Mr. Henley), on the clear understanding, however, that, in case the first Amendment were not carried, he should be at liberty to bring forward his own Amendment a second time, at a later stage of the Bill.

Mr. KEOGH thought it was now clear that the proposition he had made for considering the preamble of the Bill first of all was not so much out of place, because the moment they came to discuss the first clause, it was said that one Amendment upon it would be rendered unnecessary if another Amendment were made in the preamble. He would take the liberty of reminding the hon. and learned Member for Abingdon of a grave inconsistency on his part. A Bill was introduced into the House of Lords in 1846 by Lord Chancellor Lyndhurst, at the time when the hon. and learned Member was first law officer of the Crown, which repealed the penalties imposed by the 13th Elizabeth, c. 2, for bringing into this country and putting in execution any Bulls or other superstitious instruments of the See of Rome. As the hon. and learned Gentleman was in office at that time, it might be supposed that he approved of that Bill introduced by the Lord Chancellor in 1846; and yet now, in 1851, he proposed to reenact the provisions of the Act of Elizabeth, against Briefs and other instruments from Rome.

Sir FREDERIC THESIGER said, the hon. and learned Member for Athlone seemed to be ignorant of the provisions of the law on this subject which applied to Ireland. The 13th of Elizabeth, c. 2, had nothing to do with Ireland. The only statute relating to Ireland was that of Richard II., and therefore the Act of 1846 would only have affected England and Scotland.

Mr. KEOGH was aware of that.

Amendment *postponed.*

The Earl of ARUNDEL and SURREY then proposed the Amendment of which he had given notice. He thought it, however, but fair to give notice, that if the Amendments were rejected, he would move further to expunge the whole clause. In fact, if it became law, for the future every spiritual act done by a bishop of the Roman Catholic Church would be unlawful. He would be guilty of a misdemeanour, and might be indicted by any person who chose to do it. All marriages, too, celebrated in the Roman Catholic Church would be invalid, because it would be impossible for bishops to grant facilities to any priest for the purpose of celebrating marriages; property, too, would be interfered with, and every thing interfered with that related to the acts usually done by a bishop. Jurisdiction and ordination, he would remind them, were two separate things. Ordination might be obtained anywhere, but jurisdiction could only be obtained from the bishop of a district, and they could not have bishops except by the Pope's Rescript. Vicars-apostolic could do it no longer, because they were abolished by this Brief. Under these circumstances, he should call upon the Government to stand by the assertions so lately made by themselves, that it was not intended by this Bill to interfere with the spiritual exercise of the Roman Catholic religion. The present clause, he contended, would interfere with spiritual matters, and he therefore asked them to consent to the insertion of these Amendments.

Amendment proposed—

"Page 2, line 13, after the word 'thereby,' to insert the words 'save in so far as the exercise or use of such Jurisdiction, Authority, Pre-eminence, or Title shall be necessary for spiritual purposes.'"

The ATTORNEY GENERAL said, they proposed by this clause to declare that certain Briefs and Rescripts addressed to certain bodies in this country were illegal and void; but if they adopted this Amendment of the noble Lord (the Earl of Arundel and Surrey) they would declare that these Briefs and Rescripts should be legal and valid for certain purposes. If the main object of the Rescript related merely to spiritual authority, he could understand it; but when the main object was to establish a hierarchy with titles derived from places in this country, it seemed to him that at the same time they declared them to be illegal and void, they admitted them to be valid for certain purposes. They had said, no doubt, all along, that they did not propose by this Bill to interfere with the spiritual authority of Roman Catholic bishops in this country, unless the exercise of authority was followed by ecclesiastical titles. They said so still, but if they asked them to go beyond that, and to say they would acknowledge the exercise of spiritual jurisdiction and authority by persons taking upon themselves temporal and ecclesiastical titles, they were asking them to do that which they declared to be illegal and void. It appeared to him, therefore they should stultify themselves by adopting the Amendment.

The Earl of ARUNDEL and SURREY said, if the hon. and learned Gentleman said they should stultify themselves by passing the Amendment, he wanted to know what position the Government stood in by saying they would not interfere with ecclesiastical government, and then interfering with it.

Mr. MOORE was at a loss to understand the explanation of the hon. and learned Gentleman the Attorney General. If he understood him rightly, he meant that the acts of the archbishops and bishops of the Church in Ireland were illegal and void. He (Mr. Moore) regarded this Bill as a breach of national treaty, as the violation of a solemn act of atonement made by one nation towards another, which had suffered greater wrong than ever nation suffered before. It was the fashion to regard with indifference the feelings, or rather the passions—because they were on these subjects passions—of the people of Ireland. "They will not rebel, do what we may," was the manly and statesmanlike conclusion to which they seemed to have come. It was true that there would be no insurrection, do what they would; but he warned them that they were awakening an agitation in Ireland that would last for years, and the ultimate results of which they little dreamed of. What had been repudiated by his hon. and learned Friend the Member for Athlone (Mr. Keogh)—namely, that he regarded a twenty years' agitation with sympathy, he (Mr. Moore) boldly avowed; for he thought that twenty years' agitation, wasteful as it might be, would not be time thrown away. He warned the Committee not to let that great charter of a nation's rights which Pitt had conceived, which Burke had proclaimed, of which Grattan was the apostle, and on which Wellington had set his seal, be overthrown by a Bill that was the very heeltaps of discordant opinions, and that the House in its returning sobriety was almost ashamed to pass. If they did, Ireland would take example by England. The people of this country had taught them how an insult upon their national faith was to be met; and they would profit by the lesson. England had taught them how a foreign aggression upon their religion should be resisted, "and it should go hard but they would better the instruction." The Bill, instead of being a national degradation, would prove the alarm bell of their regeneration; and twenty years hence the standing toast of Irish religious independence would be, "The Ecclesiastical Titles Bill."

Mr. KEOGH thought it rather hard that Gentlemen who did not profess the Roman Catholic religion should fancy they knew best what was fitted for those who did. The hon. and learned Member for Midhurst (Mr. Walpole), and all those hon. Gentlemen who agreed with him, ought surely, if they were sincere, to support the Amendment of the noble Lord (the Earl of Arundel and Surrey). If there was to be no reservation in the proposed enactment, then the entire Bill would have no legal foundation. But the vicars-apostolic had been abolished; and, therefore, the Roman Catholic Church—an essentially episcopalian body—would be deprived of bishops altogether. He should like to know how the noble Lord (Lord John Russell) could reconcile his previous declaration of not desiring to interfere with the spiritual affairs of the Roman Catholics, with a refusal to vote for the Amendment.

Lord JOHN RUSSELL said, that the first clause was one which declared what the law was. The hon. and learned Member for Midhurst (Mr. Walpole) had stated, and that too without being contradicted even by the hon. and learned Member for Athlone (Mr. Keogh) that every lawyer must be aware that the declaration contained in the clause was in conformity with the law, and that what the clause declared to be illegal and void, was really illegal and void. Now, if that were so, he (Lord John Russell) could not possibly conceive how they could declare that to be lawful and legal under certain restrictions, which they were at the same time pronouncing to be unlawful. If the question were one of expediency or policy, there might be some argument for proposing a difference in the clause; but they knew perfectly well that every part of the rescript was of a spiritual nature, affecting only spiritual things, and therefore the Amendment was only an indirect way of declaring that to be law which every lawyer saw at once to be unlawful and illegal.

Sir HENRY BARRON thought the speech of the noble Lord (Lord John Russell) proved that the Government had shown themselves exceedingly imprudent in adopting any portion of the hon. and learned Member for Midhurst's proposals whatever. If what they wished to enact were law, why did they seek to legislate upon the subject? The very fact of their doing so proved either that they wished to give new force and new power to the existing law of the land, or that they were doubtful whether it had not, as it were, been repealed by antiquity and disuse. He wondered, after the declarations of the noble Lord at the head of the Government, how he could in honour, in justice, and in common honesty, refuse his assent to the Amendment. The policy of Government had already produced one fruit, namely, a proposal for the formation of a new Catholic Association; and they surely could not forget the old society which bore that name. He understood that eminent prelate, the Archbishop of New York, recently appointed Cardinal, was now in the House, and was a witness of the different manner in which this question was treated by the British Legislature. It was idle to talk of this being an invasion of the Royal prerogative, or an insult to the nation. Why should the nation be insulted, after petitions had been presented for years, praying for Roman Catholic bishops in this country —not by Roman Catholics only, but by others who were anxious for the independence of that body in this country. It was well known that vicars-apostolic were completely at the mercy of the Pope—bishops would be much more independent. But it was said by the noble Lord at the head of the Government that this was part of a great conspiracy against the liberties of Europe. Did he mean to assert that the Roman Catholics of this country were involved in any such conspiracy? Had they not, for the last fifty years, supported the extension of liberty to all classes, including Dissenters, and all who had laboured under any civil or religious disability? If the noble Lord meant to assert that the Roman Catholics of this country had been guilty of any such conspiracy, he would tell him to his face it was a base falsehood —it had no foundation. [*Loud cries of* "Order, order!"]

The CHAIRMAN: I am sure the hon. Baronet will, on consideration, be sorry that he has used the word he did.

Sir HENRY BARRON: I am sure, Sir, you did not hear my words. I said, and I repeat it, that if the noble Lord charges the Roman Catholics of this House, or of this country, with a base conspiracy against the liberties of mankind, it is a base imputation. I say that it has no foundation in fact. I call on him for his proofs. I have a right to ask for them. I have here the noble Lord's words. In speaking of this appointment of Roman Catholic bishops by the Pope, he used these remarkable words:—"It was a part of a conspiracy to prevent the extension of civil and religious liberty in Europe." Now, Sir, mind it was the appointment of the Roman Catholic bishops in this country that was a part of this conspiracy. Does that, or does it not, connect the Roman Catholics of this country with a conspiracy against the civil liberties of Europe? ["No, no!"] Then I am wrong. I only say, if there was not any intention to connect the two matters together, it was said in a manner and under circumstances to convey, at least to my mind, that impression: and I repudiate it, as I have a right to do. There is a conspiracy, and it reminds me very much of that known in the history of this country as the "Titus Oates conspiracy." It is a conspiracy to put down the religion of the Roman Catholics in this country, and to abridge their liberties. ["No, no!"] I am convinced of it from the attempt now made to pass a Bill of this description. I have been so much struck by the parallelism of the present case to that to which I have alluded, that I will trouble the Committee with a few extracts from the history of that period:—

> "An imposture, which was brought forward in a time of popular commotion, and supported by the arts and declamation of a numerous party,

> goaded the passions of men to a state of madness, and seemed for a while to extinguish the native good sense and humanity of the English people. His (Titus Oates's) fictitious, absurd, and incredible statements, as they must appear to thinking men, were received without hesitation; and even men of the highest classes suffered themselves to be agitated with the apprehension of danger, the more alarming to the imagination, because it was wrapt up in mystery, and was to be expected from unknown and invisible foes."

It struck me that there was a great deal of similarity between what I have read and the present proceedings. The apprehension of invisible foes, and of the manner in which the Pope is to invade us some fine morning when all the Gentlemen around me are to be made Roman Catholics in twenty-four hours, is really ridiculous.

Question put, "That those words be there added."

The Committee divided:—Ayes 61; Noes 316: Majority 255.

List of the Ayes.

Adair, H. E.
Armstrong, Sir A.
Blake, M. J.
Blewitt, R. J.
Burke, Sir T. J.
Clements, hon. C. S.
Corbally, M. E.
Dawson, hon. T. V.
Devereux, J. T.
Fagan, J.
Fox, R. M.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Henry, A.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Hutchins, E. J.
Keating, R.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Moore, G. H.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Ponsonby, hon. C. F. A.
Portal, M.
Power, Dr.
Power, N.
Reynolds, J.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Scully, F.
Smith, rt. hon. R. V.
Somers, J. P.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Tennent, R. J.
Tollemache, hon. F. J.
Towneley, J.
Trelawny, J. S.
Walmsley, Sir J.
Wegg-Prosser, F. R.
Young, Sir J.

TELLERS.

Arundel and Surrey, Earl of
Barron, Sir H. W.

Mr. SADLEIR then moved an Amendment, that the words "for temporal purposes" be inserted in the clause. By the Act of 1829 the Parliament of the United Kingdom determined to enter upon a course of policy, which, at all events, was to be understood as conferring on and guaranteeing to the Roman Catholic religion perfect toleration. He submitted to the Committee, that, inasmuch as the Roman Catholic religion was an episcopal religion, it could not be perfectly followed out and developed except by the intervention and action of a regularly constituted hierarchy; and that there was by the legislation of 1829, a full and perfect guarantee given for the maintenance of that episcopacy. His object in moving the Amendment was to ask the Committee to declare that these Bulls and Rescripts of the Pope were unlawful and void for temporal purposes. If he understood the declared intentions of the Government, it was not their object to cripple the free action of the Roman Catholic clergy. If these declarations were made with any sincerity, he could not see how the Government could resist the Amendment which he now invited the Committee to adopt. In the year 1846, the noble Lord at the head of the Government adverting to these rescripts, said—

> "There is another offence which the Bill under discussion deals with, and that is the offence of introducing a Bull of the Pope of Rome into this country."

The noble Lord then proceeded to say—

> "By the 13th of Elizabeth, the introduction of these Bulls subjects the delinquent to severe punishment;"

and afterwards—

> "The question is, whether it is desirable to keep up that or any other penalty for such an offence. It does not appear to me that we can possibly prevent the introduction of the Pope's Bull into this country. There are certain Bulls which are absolutely necessary for the appointment of bishops and pastors belonging to the Roman Catholic Church, and I think it would be quite impossible to prevent the introduction of such Bulls. Every one knows they are not prevented, but are introduced into this country."

The noble Lord then added—

> "Again, the security with respect to this Act is, that if anything seditious or treasonable be promulgated, the parties can be punished in this country as they could for any other writing of a seditious or treasonable nature."

He (Mr. Sadleir) assured the Committee that if they resisted the insertion of the words he proposed, serious and difficult points of law would arise in the courts of common law in the United Kingdom, which would amount to a positive denial of justice, and might lead to disastrous and painful consequences within the Roman Catholic Church. If the clause were passed in its present shape, the practical result would be, that if a Roman Catholic bishop, in the exercise of his diocesan or episcopal functions, removed a parish priest, in order to appoint a successor, a struggle might arise between the clergyman so removed, and his successor, and the validity of the rescript creating such bishop might be questioned, and in a court of common law it might be difficult to establish the right of the parish priest appointed to succeed to the charge of the parish. A case might also arise in which a parochial house might be devised for the use of the parish priest for the time being. Upon the decease of the priest, his successor might find it necessary to bring an action of ejectment to oust some person over holding possession; and, in that case also, the very first thing he would have to do was to show that he was the priest lawfully appointed to the parish. Was it, he asked, the intention of the Government to put down the Roman Catholic hierarchy in Ireland, and to lead to the appointment of vicars-apostolic, who would be entirely dependent on the Church of Rome? The practical result of this would be to make the Pope bishop of all Ireland. He challenged the Government to show how it would be possible to have any hierarchy in Ireland except that which now existed. The bishops of Ireland from the earliest times were appointed by the Pope to certain dioceses and archdioceses, and no bishop could interfere with any district but that to which he was nominated. He contended that it was against the spirit of the age and against the desire of the Protestants that the Legislature should interfere with the free exercise of the Roman Catholic hierarchy in spiritual matters. It had often been said in the course of these discussions that the religious feelings of the Protestants ought to be respected. This was true, but the religious feelings of the Roman Catholics of the United Kingdom, who numbered 10,000,000 of persons, ought likewise to be revered.

Amendment proposed, line 23, after the word "thereby" to insert the words "for temporal purposes."

Sir GEORGE GREY said, the Amendment of the hon. Gentleman appeared to be identical with that which the Committee had just negatived by a large majority; and that being so, he (Sir George Grey) submitted the discussion of such an Amendment was only wasting the time of the Committee.

Mr. MONSELL wished to know from the law officers of the Crown whether he had correctly understood the effect of the clause as it stood without the words proposed to be introduced by the hon. Member for Carlow (Mr. Sadleir). He would illustrate what he meant by an instance. In the county of Limerick was the diocese of Emly, which contained from 80,000 to 90,000 Catholics, and 1,200 Protestants. The bishop of that diocese, who was appointed by a Bull from the Pope, claimed none of the tithes, or the glebe, the houses or the churches—none of those funds which were devoted by the piety of his ancestors to the spiritual wants of the people of that diocese. All these the 80,000 Catholics left to the 1,200 Protestants. Now he wished to know, if this clause passed as it at present stood—in case of the bishop doing any act or exercising any jurisdiction which he could only obtain from a Bull appointing him—it would not be possible, not only for the hon. and learned Attorney General, but for any common informer, to proceed against him, and whether the issue to be tried before a jury would not be, whether the bishop had not done an unlawful act because he had performed an act which he was only capable of performing by a Bull, which this Act of Parliament had declared to be illegal? If that was so, he would ask the strongest supporters of the Bill in that House—those who were most indignant at the insult supposed to have been offered to this country by the Pope—whether, if such a state of things was allowed to exist in Ireland, there could be any attachment on the part of the Irish to this country?—whether it was wise for the House to set the consciences of that people in direct opposition to the law, towards which the legislation of this country had not trained them to entertain the most kindly feelings; and whether, if this measure was passed, they could possibly expect even the material prosperity of Ireland to advance; and whether they were not sowing the seeds of an agitation which must produce the most disastrous effects not only on that country but on this country also.

The SOLICITOR GENERAL said, that he could only answer the legal question in the same manner in which it had been already answered four or five times by his hon. and learned Friend the Attorney General. The Committee was not by this clause making any new law at all, but was merely declaring a law; when this clause was passed, the law would be the same as it had been for the last two hundred years.

Mr. SCULLY wished to know whether the effect of the clause, in its present shape, would not be to make all Rescripts and Bulls of the Pope void for the future? In that case no bishop could be appointed or priest ordained in Ireland, for their appointment or ordination could only take place in pursuance of a Bull from the Pope. He maintained that that would amount to a repeal of the Roman Catholic Emancipation Act, while it would prevent the Charitable Bequests Act from being carried into effect, since no bishop or priest could then act under that Act, as he could not show by what authority he was appointed or ordained. This clause would prevent any communication with the See of Rome—a measure which no civilised country in Europe dared attempt to carry out at the present time; while it completely ignored the existence of the Roman Catholic Church in Ireland. In furtherance of his views, he must refer to the opinions expressed by the noble Lord (Lord John Russell) and Lord Lyndhurst, in 1846, with respect to the introduction of Papal Bulls. He therefore begged the noble Lord not to pass the Bill without some such Amendment as that proposed by the noble Member for Arundel (the Earl of Arundel and Surrey), which only bore out the sentiments which the noble Lord had himself formerly expressed. The words proposed to be introduced by the hon. Member for Carlow (Mr. Sadleir), though not exactly the same, tended in the same direction, their object being to qualify the clause, so as to confine the Act (as the Government said they wished) to the aggression made by the Papal Bull upon the sovereignty of the Queen, and the temporalities of the country. [*Loud cries of* "Divide!"] He would not be put down by clamour; if an opportunity was not given for a fair discussion of this question, the opponents of the Bill would take another course which was open to them, but which they had not yet tried.

MR. J. O'CONNELL said, that the Government, by adopting the Amendment of the hon. and learned Member for Midhurst had given the Roman Catholic Members cause to fear the consequences which this clause, if adopted, would have upon the spiritual jurisdiction exercised by their bishops. They were endeavouring to get some reservation for purely spiritual acts, but they had not been able to hit upon a form of words to meet the views of the hon. and learned Attorney General, or of the House generally. The Government, however, had declared that they had no intention whatever to interfere with the spiritual liberty of the Roman Catholic Church in England or Ireland. Let them, then, carry out that intention practically by mentioning a form of words that they would introduce into the Bill to exempt from its operation purely spiritual acts; or at all events let them promise to take the subject into consideration.

MR. KEOGH said, that he thought it a very reasonable suggestion that Her Majesty's Government should have a little further time to consider this subject. They had only had four months to make up their minds upon the Bill, and it would therefore only be reasonable that they should take—say an additional week—to consider this clause. If they would not take a little time to consider it, and to introduce proper terms to carry out their own views, he thought his hon. Friend should press his Motion.

MR. WALPOLE said, that the Committee had been occupied for thirty-five minutes, since they last divided, by a discussion, on the part of the Irish Members, of a point which was really not before the Committee, and merely because they supposed an hypothetical case, and then argued upon it as a great grievance to Ireland. The clause had no connexion whatever with Ireland. It applied solely to that aggressive act on the part of the Pope, which consisted in sending a particular Brief into England. That particular Brief was condemned; and, with regard to that particular Brief, as applicable to England and not to Ireland, the law now stood precisely in the same state as it did on the 28th September, 1850.

MR. SCULLY said, that the hon. and learned Solicitor General had stated that the effect of this declaratory clause would be to declare, not only that this Bull was void, but that all similar Bulls were void.

MR. SADLEIR said, that when the right hon. Member for the University of Oxford (Mr. Gladstone) had referred to the Bull creating the See of Ross, and asked why it was not included in this clause, the hon. and learned Solicitor General replied that the recital in this clause would comprehend all such Bulls in Ireland.

MR. GLADSTONE said, that he believed that this Amendment had been substantially before the Committee once at least in the course of the present evening, and he was not, therefore, going to discuss it at any length; but he felt it his duty to bear witness to the accuracy of what had been just stated with respect to the remarks of the hon. and learned Solicitor General. The explanation which had just been given by the hon. and learned Member for Midhurst (Mr. Walpole) was in direct contradiction to the construction of the clause given by the hon. and learned Solicitor General two nights before. He (Mr. Gladstone) had then asked the Government why the Bull creating the See of Ross was not included in this clause; and the hon. and learned Solicitor General's reply was that that was a question that could not possibly be put, except by a man totally ignorant of law, "for this being a declaratory clause," said he, "it does no more than lay down a general principle of law, and is just as applicable to the case of Bulls which it does not name as to those which it does." But now the hon. and learned Member for Midhurst rose, and told the Committee, with equal confidence, that the clause had no effect at all with regard to Ireland, but that it was confined to England. Nor, while he was in direct contradiction to the hon. and learned Solicitor General, was he quite consistent with himself, for he said not only that this clause did not apply at all to the case of Ireland, but also that it left the law as it was on the 28th September last. If so, neither did it apply to England. Now, these were exhibitions of contradiction and confusion such as occurred on the second reading of the Bill, and which appeared to multiply and accumulate as the discussion upon this ill-fated Bill was prolonged. The real truth was that Her Majesty's Government did not think it politic to point out the case of the Bull constituting the See of Ross in so many words; they thought it would be bad policy to do so. They did not wish to insert in the Bill (and he gave them credit for the feeling of reluctance) any words pointing directly to a Bull affecting Ireland. The more they proceeded with the Bill, the greater appeared to him the difficulty into which the Government had plunged themselves. This declaratory enactment, as it was called, was totally inconsistent and unintelligible. If they were to declare the law, why did they declare it with respect to one Bull, when they had at least three before them? Then, if they were to leave the law as it was on the 28th of September, why declare it at all? But if they passed a declaratory law, why not recite that the law wanted declaring? In fact, there were no two ideas connected with the subject that were consistently and consecutively carried out in the provisions of this Bill.

The SOLICITOR GENERAL said, that the right hon. Gentleman who had just addressed the Committee, had, in recalling to the recollection of the Committee that which passed the other night, in answer to his own observations, accidentally omitted to state the suggestions which he made, and to which his (the Solicitor General's) observations were a reply. The right hon. Gentleman then said, "In making this declaration, you are omitting the case of the bishopric of Ross;" and his (the Solicitor General's) reply was, "It is not that we are making a new law by this Bill, but we are declaring the law; it is a judicial decision—it is a declaration of what the law has been for hundreds of years past—we declare it on this particular Bull, because this Bull has been the cause of its being necessary to repeat that which is the known law of the realm." He (the Solicitor General) did not say that this clause applied as an enacting clause to Ireland; but he said, "This law does extend to Ireland; the law does, and has for two hundred years and more, extended to Ireland; we are not altering the law, or in any degree varying the law, or departing from the law, but we are declaring it; and if we declare it as to one Bull, that declaration is just as valid as if it were made with respect to a thousand; just as valid with regard to a Bull in one part of the kingdom as to another;" that was, when they were declaring any law which existed before Poyning's Law; for everybody knew that by Poyning's Law, which was passed in the time of Henry VII., any law applying to the kingdom of England was applied also to Ireland. There was no discrepancy. The hon. and learned Member for Midhurst stated that the law was to-day what it was on the 28th of September, 1850. He said so too. These Bulls or Rescripts were illegal in Ireland as well as in England. They are so still, and this clause says nothing more. If this was a mass of confusion, there was nothing which could be made clear.

The EARL of ARUNDEL AND SURREY said, the Committee had now two equal opposing authorities upon the question—the hon. and learned Member for Midhurst, and the hon. and learned Solicitor General. The one said the law was merely declaratory; the other, that it was also an enacting law. Notwithstanding this, the Government were exceedingly indignant if they sought for certitude. But if the clause passed in its present shape, the best thing they could do would be to take up their hats and walk out of the House, and leave the Government to extricate themselves from a position which they would find inextricable.

MR. MOORE said, the hon. and learned Solicitor General had accused the Irish Members of speaking obscurely on what was manifestly an obscure subject. It was quite clear now, however, that the hon. and learned Member for Midhurst had suggested the present clause in one sense, and that the Government had adopted it in another. The hon. and learned Member for Midhurst had suggested it in a restricted and comparatively mild sense; and the Government had adopted it in a mischievous sense. He thought it desirable that the hon. and learned Member and the Government should consult together again, with the view of seeing whether they could not come forward on some future occasion, and jointly explain to the Committee what was the real meaning of the clause.

MR. TORRENS M'CULLAGH said, the hon. and learned Member for Midhurst had suggested the clause in one sense, and that the hon. and learned Solicitor General had suggested it in another. Now, he would not follow the hon. and learned Solicitor General in the gloomy wit in which he had indulged; but he would tell him this, that he (Mr. M'Cullagh) was at a loss to understand the hon. and learned Gentleman's meaning. The Committee had heard such different constructions put upon the clause, that he despaired of ascertaining whether a Roman Catholic bishop in Ireland might or might not be prosecuted by any common informer if the clause passed in its present shape. He asked whether the right hon. and learned Attorney General for Ireland— [*Laughter.*] He did not ask that right hon. and learned Gentleman in any spirit of jesting or of disrespect, but in perfect seriousness—he asked him whether if this clause should pass, he, the responsible adviser of the Crown in Ireland, agreed with the hon. and learned Member for Midhurst that it would not affect Ireland; or did he agree with the hon. and learned Solicitor General for England, that, without venturing to name Ireland, the House was passing a Bill of pains and penalties, which would subject every Irish Roman Catholic bishop to the indignity of being sued by every scoundrel who chose to institute proceedings against him?

MR. KEOGH said, the question was a fair one—it was put unobjectionably, and it must be answered before the debate proceeded. The hon. and learned Member for Midhurst, who had not varied from his original declarations—who had not played fast and loose with the Committee—who had adhered, consistently with his high character, to his original statement—says that this clause does not apply to Ireland. And here he must be permitted to regret that the right hon. Member for the University of Oxford (Mr. Gladstone) was not present when the hon. and learned Solicitor General was—if he might use the term without disrespect—paltering with the Committee as to his former declarations. The hon. and learned Solicitor General did say that so far as the clause was declaratory of the law, that is, in the full extent and bearing for which the clause was brought into the House, it did apply to Ireland. Now it was no answer to tell them that the clause was only declaratory of the law of England; and when the hon. and learned Gentleman spoke of the confusion which existed in the minds of his adversaries, he ought to have prayed—

> "O wad some Power the giftie gie us
> To see oursels as ithers see us!

He to talk of any obstruction which they felt it their duty to offer! Why, if he were the law officer of a Government which had done anything straightforward, anything candid, anything high or honourable, anything with an independent courage, he might speak; but as the law officer of a ricketty, feeble, ineffective, peddling, contemptible Administration, which had been living from hand to mouth for the last four months, and were now living from hour to hour, perhaps from minute to minute—who were indebted for suggestions from every side and every corner of the House—it was not for him to take the position of a scorner, and, with a gloomy and a melancholy wit, attempt to ridicule the conduct of hon. Members. Neither that House, nor would public opinion out of doors, support him in the position he intended to assume. As to the opinions delivered by the hon. and learned Gentleman, they were at right angles with each other, and they were entitled to an answer from the chief law adviser of the Crown in Ireland, for, if he coincided with the opinion of the hon. and learned Member for Midhurst, the Government would never afterwards dare to enforce it in that country.

The ATTORNEY GENERAL should not attempt to bandy personalities or vituperations with the hon. and learned Gentleman who had just resumed his seat. When the hon. and learned Member asked this question, he must have seen that it happened by accident the Irish Attorney General was not in the House. Let them be fair and generous even with an adversary. The right hon. and learned Gentleman had been there the whole evening, and had just left by accident. It was hardly fair to keep calling on the law officers of the Crown to give answers to every question, and, when they gave them, to treat them so very unhandsomely. In the absence of the Irish Attorney General, he would consider the question as well as he could. The propositions of both his learned Friends were not in contradiction to each other. If the Committee could only understand the sense in which both of them answered the question, it would see that this was the case. The hon. and learned Member for Midhurst says that the clause does not apply to Ireland. He directs the clause against the Rescript, which applies to England. The hon. and learned Solicitor General applies the clause only to Ireland, as declaratory of what the law is and always has been. In that sense he is right. Whereas, on the other hand, the law is not intended to have immediate application in Ireland.

Mr. J. O'CONNELL said, the hon. and learned Attorney General had not made the matter more clear, for he had told them that the clause did not apply to Ireland, and then that it did.

Mr. MOORE said, it appeared to him that the statement of the two hon. and learned Gentlemen was this—that that was merely a declaratory law. But the hon. and learned Member for Midhurst said, it did not declare the law with regard to Ireland, while the hon. and learned Attorney General said it did. If that was not contradiction, he did not know what was.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 57; Noes 317: Majority 260.

Mr. REYNOLDS moved, that the Chairman report progress, and ask leave to sit again.

Sir BENJAMIN HALL said, he wished to make a suggestion to the noble Lord at the head of the Government with respect to the progress of public business. It appeared to be the intention of the minority of that House to put off the passing of this Bill to the latest possible period. The only way of defeating their intention would be to follow the same course with this Bill as was sometimes taken with Bills of less importance, namely, to have early sittings—at twelve o'clock every day—to discuss it, so as to allow the other important business of the country to go on at the evening sittings unobstructed. He made that suggestion to the noble Lord, because if he did not adopt it, the business of the country would get still further in arrears, and the country would say that the Government did not intend to press the Bill as earnestly as they ought to do.

Mr. KEOGH said, the people of Ireland always expected conciliatory propositions from the hon. Member for Marylebone (Sir Benjamin Hall). He did not think the Irish Members were open to the taunt of having unnecessarily delayed this Bill. ["Oh, oh!"] How long had the alterations of the Government delayed this Bill? Had they not changed their course over and over again?—had they not struck out some clauses, altered others, and at the eleventh hour adopted the suggestions of other hon. Members? Did hon. Gentlemen, then, wish to exculpate the Government for its delays, and lay them all at the door of the Irish Members? If the noble Lord adopted the suggestion of the hon. Gentleman (Sir Benjamin Hall), and sought to expedite the course of this Bill by treating it "like other Bills of less importance," as the hon. Gentleman said, then the Irish Members would adopt every means in their power to defeat so unconstitutional and unjust a proceeding.

Mr. MILNER GIBSON hoped the noble Lord would not agree to continuous morning sittings, because that course would materially obstruct public business in the Committees of the House. Hon. Gentlemen who sat on Committees could not possibly attend that House in the day, and at the same time discharge their duty in their Committees; and therefore the suggestion of morning sittings, if intended to facilitate public business, would clearly defeat its own object. He certainly concurred with the hon. and learned Member for Athlone (Mr. Keogh) in thinking that great delay had been caused by their having needlessly to debate propositions which the

Government themselves afterwards withdrew; and after the unintelligible explanations that night from the legal Gentlemen as to the effect of the first clause, he certainly thought the discussion that had taken place was perfectly justified.

The **Earl of ARUNDEL and SURREY** said, if the noble Lord at the head of the Government wished the business of the country not to be at a standstill, let him proceed with the other measures by morning sittings; but a measure like this, affecting the tenderest affections of millions, ought not to be dealt with in so unusual a manner; and for his part, although he was a member of a Railway Committee, he would not be able to attend it if this Bill was under discussion at morning sittings. He thought, when the importance of the Bill was considered, it would be most unfair on the part of the Government to take so unusual a course as to proceed with it at morning sittings. He must say, that the hon. Gentlemen with whom he acted had not been guilty of anything like factious opposition, though he acknowledged that a great deal of time had been wasted in the discussion that evening. The hon. and learned Member for Abingdon (Sir Frederic Thesiger) had objected to the first clause; and, after a three hours' discussion upon this proposal, he had eventually withdrawn it.

Lord JOHN RUSSELL said, his desire was to consult in the first place the convenience of the House. But he was persuaded that not only was a good deal of other business interrupted by morning sittings on a question of so much importance that Members would not like to be absent, but the question of morning sittings always provoked opposition of a different character from what would otherwise take place. He was not, therefore, prepared at once to assent to the suggestion of the hon. Member for Marylebone. It was obvious, however, that whatever cause there was for opposition to any particular proposition, if questions were to be asked eight or ten times over, and the answers only provoked fresh questions, and they were continually to have the same questions over and over again, without imputing a wrong motive to those who took that course, he must say, if it was to be repeated, a great deal of time would be taken up in the discussion of the Bill. He should, therefore, reserve to himself the discretion of adopting morning sittings if they should be necessary; but he certainly should not at once adopt them, or give notice that he intended to do so, unless it was very necessary. He should not go on any further that night with the Bill; but he trusted that the Government would have the support of the House if any unnecessary or unreasonable delays were persisted in. With regard to the remarks of the right hon. Member for Manchester (Mr. M. Gibson) on this occasion, as on almost every other, the right hon. Gentleman took the opportunity of making some good-natured observations against the Government, which the House would decide whether he was warranted in making.

Mr. MILNER GIBSON thought he had only made a remark with regard to the delays caused by the Government, which was perfectly justifiable, and he was very glad that the noble Lord had acceded to his remonstrance against morning sittings.

Mr. DISRAELI: This Bill of the Government, though a very important one, is a very brief one. It has very few clauses in it, and notwithstanding the active opposition it has received, there must be some termination to the discussion. It is not like the Reform Bill, with 120 clauses in it, and therefore he could not think the time had arrived when it would be necessary to resort to so desperate an expedient as the hon. Member for Marylebone (Sir Benjamin Hall), with every wish to support the Government, had suggested. He was bound to say that it was impossible for any Government to bring forward a measure of this kind without expecting very active opposition. It might, in certain cases, be perfectly justifiable; and he did not think that the excess in that opposition had been more than they might in such a case have expected. Because, although it might be very disagreeable, as he knew from personal experience, to be perpetually going into full lobbies with an almost empty lobby on the other side, yet it was impossible to forget that the measure of the Government had not been as matured and well considered a measure as would entitle it to the general support of the House; on the contrary, it was rather a measure which encouraged and invited opposition, the Government having first brought forward clauses which, after considerable discussion, they had withdrawn, and, by withdrawing them, of course they had recognised the legitimate grounds of the opposition afforded to them. He therefore thought that the noble Lord was perfectly right in not acceding to the suggestion of the hon. Member for Marylebone. The objection of the Committees was a sufficient ground for refusing to take that suggestion. On the Paper that night they had four Committees to be nominated on very important subjects, one of which was of no less importance than the property tax, and it would be impossible for any Member to attend on that Committee, and also to attend the House, if there were morning sittings on this Bill.

Mr. MOORE said, the noble Lord had brought an accusation against the hon. Members on his side of the House, that they asked questions eight or ten different times. Now, he thought they were fully justified in asking questions eight or ten different times when they found that these questions were answered eight or ten different ways.

House resumed. Committee report progress; to sit again on *Monday* next.

The House adjourned at half-after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, May 26, 1851.

Minutes.] Public Bills.—1ª Office of Messenger to the Great Seal Abolition; Appointment to Offices, &c.; Process and Practice (Ireland); Hainault Forest.
2ª Salmon Fisheries.

THE PUNJAB BOOTY.

The **Earl of ELLENBOROUGH**, in moving for the returns of which he had given notice, and for an humble Address to Her Majesty, praying that Her Majesty will be graciously pleased to lay before the House any papers relating to any steps taken for ascertaining the rights of the Crown over the State jewels and other property taken at Lahore in 1848, and in the campaign in the Punjab, said he would take the opportunity of reminding their Lordships of the debate which took place among them on this subject some two years ago, immediately after the treaty which was concluded between the Governor General and the Maharajah of Lahore.—[See 3 *Hansard*, cvi. 1234.] He had then asked Her Majesty's Ministers whether it was competent for the Governor General of India to dispose of property taken in the field, and which he (the Earl of Ellenborough) believed to belong to the Crown. The noble Marquess opposite said that he would refer the question to the law officers of the Crown. He (the Earl of Ellenborough) had subsequently asked, whether the answer of the law officers of the Crown to that question had been received? and was informed that, without waiting for it, the Court of Directors of the East India Company had determined to give a donation equal to six months' batta, to the Commander-in-Chief, the Generals, and the other officers and soldiers who had served in the campaign. He had then expressed his satisfaction—in doing which he was afraid that he had been too hasty —that that donation of batta had been made, because he thought that that donation would be greater in amount than the booty which had been taken, and that it would be distributed in a fairer manner to all parties. About two months ago he had called the attention of the noble President of the Board of Control to that subject. He then found that the question which he had formerly proposed had not been put to the law officers of the Crown; and, at his request, the noble Baron subsequently laid before them a case upon the subject. The noble Baron had since communicated to him the opinion which the law officers of the Crown had given, that the arrangement to which he had referred between the Maharajah and the Governor General was legal, and could not be impugned. It appeared to him that the opinion of the law officers of the Crown was wide of the real question, and that, like the Delphic oracle of old, it could be interpreted in two ways, and that it was therefore satisfactory to nobody.

Lord BROUGHTON: I said that the arrangement could not be impugned on legal grounds.

The **Earl of ELLENBOROUGH** said, that what he desired was merely this, that the case on which the opinion of the law officers of the Crown was founded, should be communicated to their Lordships along with the opinion itself; for he could not but think that the important question which he had raised had not been put to them. Since he had asked that question two years ago, the Court of Directors of the East India Company had, as he had already stated, granted to the Army a donation of six months' batta; and he now took objection to the terms in which that donation was granted:—

> "You will therefore forthwith pay to the Commander-in-Chief, the Generals, and other officers, non-commissioned officers, and privates, who served in the Punjab during the compaign, a donation equal to six months' full batta; on the understanding that if hereafter any booty which may

> have been captured in this campaign shall be made over to them, there shall be deducted from any share of such prize-money which may become payable to any individual a sum equivalent to the batta paid to him under these instructions, unless such share shall be of less value than that sum; in the latter case, all that will be repaid to our Treasury will be the amount of the prize-money, however small it may be."

That order was at once ungracious to the Army, and injurious to the Crown. It was saying, we give you so much from our own treasury, but we will, as far as it lies in our power, take measures for preventing your deriving any benefit whatever from any act of liberality on the part of the Crown. It was also unnecessary, inasmuch as the most recent precedent on the subject was that which had occurred in Scinde. There the batta was granted without conditions; but when the booty was given to the Army, the amount of the batta was repaid to the East India Company, and the remainder of the booty was divided among the Army. It was also a valueless order, unless we considered that it required an engagement on honour from the officers and soldiers of the Army that they would pay back the batta in case the booty should be assigned to them. He contended that the Court of Directors had no power to deduct a single rupee from the prize-money thus assigned to the Army; for it was the gift of the Crown to the Army, and the Court of Directors had no right to meddle with it. He certainly had not adverted on the last occasion on which he had referred to this subject to a very great hardship which had been inflicted on certain individuals in the higher ranks of the Army, by receiving this money, not as prize-money, but as batta; for instance, the Commander-in-Chief's share in it, as prize-money, would just have been very many times the amount of that which he received as batta. What he thought upon this subject was this, that the Governor General in Council was not legally qualified to deal with this property at all, as it was property taken as prize from the enemy. It had thus become the property of the Crown, and the East India Company, without law, had no right to dispose of it. If, however, the Crown thought proper to give this property to the East India Company, he thought that it ought to have ascertained the value of that which it proposed to grant, and it was for this purpose he moved for these returns. It was an admitted principle of law, that the Crown never parted with any portion of its power, unless it had made a specific grant of that power. Now, in the year 1758 the Crown had by letters patent granted to the East India Company, in all cases where the troops of the East India Company were alone employed, all the booty taken in its wars; but the Crown excepted from that grant all the booty captured in conjunction with its own forces, and had reserved to itself a power of disposing of such property as it might be advised. Now, a large portion of this property had been seized at Lahore in December, 1848, before the actual commencement of hostilities; but so early as the 3rd of October, 1848, the Secretary to the Government of India had written to the Resident at Lahore, intimating that the Governor General in Council considered the State of Lahore "to be to all intents and purposes directly at war with the British Government." A great proportion of the property captured was undoubtedly captured during the progress of hostilities; and by the 2nd article of the Treaty of the 29th of March, 1849, it was declared that all the property of the State of Lahore, of whatever description and wherever found, was to be confiscated to the East India Company. Now, he insisted that when the Governor General of India and the Maharajah of Lahore came to that agreement, they were both disposing of property which did not belong to them. All property seized from the enemy by Her Majesty's forces, both before and after the commencement of hostilities, became Her property in right of Her Crown. That was a point decided by the late Sir W. Scott, in the course of the last war, who gave it as his judgment that the declaration of war had a retrospective effect, applying to all property previously detained, and rendering it liable to be considered as the property of enemies taken in time of war. "It was rendered enemy's property at the time of seizure," said Sir W. Scott, 5 Robinson, 233, "by the necessary and general retroaction of the subsequent declaration of war." He asked, then, Her Majesty's Government to give in this case the same protection to the rights of Her Majesty's Crown which they would give in an ordinary case to the rights of the humblest subject in the realm. The subject was most important both to the Crown and to the Army. If the Governor General were permitted so to dispose of this booty at the conclusion of a successful war, in favour of the East India Company, so might future Governor Generals; and the rights of the Crown, and the just reputation of the army, would be on future occasions, as now, defeated. The noble Earl then advocated, in strong terms, the claims of the troops employed in the siege and capture of Mooltan to higher remuneration. Their situation was rather a hard one. They had marched further than any other part of the army; they had been under canvas for eight or nine months, and the booty taken at Mooltan had never belonged to the Maharajah of Lahore; and yet their remuneration was not greater than that of the portion of the army which came up at a much later period of the campaign. If the opinion of the law officers of the Crown were fairly taken on the point which he had raised, or if it were decided after argument by learned counsel—either by the Lords of the Treasury or by the Lords of the Privy Council, which he should prefer, he should be satisfied; and he had no doubt that the troops, whose interests he advocated, would be satisfied also; but until then he should not be satisfied that the East India Company had not taken property which he believed to be the property of the Crown. The noble Earl then moved—

> "That there be laid before this House (so far as the same can be given),
>
> "Copy of a Letter from the Directors of the East India Company to the Governor General of India in Council, directing the payment of a Donation, equal to Six Months full Batta, to the Commander-in-Chief, the Generals, and the other Officers, Non-commissioned Officers, and Privates who served during the last Campaign in the Punjab: Also,
>
> "Account showing the Total Sum paid as so directed to the Army, and the Portion thereof paid to Officers and Corps stationed on the left Bank of the Sutlej, on the 17th September, 1848: Also,
>
> "Account showing the Sum so paid to the Commander-in-Chief, and to each General and other Officer, Non-commissioned Officer, and Private, according to their respective Ranks: Also,
>
> "Account showing the Total Sum realised by the Sale of the State Jewels and other Property taken possession of by Brigadier Campbell, C.B., and H.M.'s 53rd Regiment, under the Direction of the Resident at Lahore, on the 17th of September, 1848, and by the Sale of all other State Property and Booty which came into the Possession of H.M.'s Forces, and of the Troops of the East India Company, during the last Campaign in the Punjab: Also,
>
> "Account showing the estimated Value of such of the State Jewels and other Property and Booty as may remain unsold, and the present Disposition thereof: And also,
>
> "Account showing the Manner in which the Sums realised by the Sale of such State Jewels and other Property and Booty have been applied, and the Authority under which such Application has been made: And also,
>
> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give Directions that there be laid before this House, any Papers elucidating the Steps which Her Majesty may have been advised to take for the purpose of ascertaining the Rights of the Crown over the State Jewels and other Property taken possession of at Lahore on the 17th of September, 1848, and over all other State Property, and the Booty which came into the Possession of Her Majesty's Forces and of the Troops of the East India Company during the late Campaign in the Pubjab."—(*Minutes of Proceedings*, 59.)

LORD BROUGHTON said, that the first part of the noble Earl's speech related to that part of this transaction of which the noble Earl and himself had particular cognisance. With reference to the speech which the noble Earl had made on the 3rd of July, 1849, he had thought it his duty to lose no time in inquiring into the objections which had been made to the course taken by the East India Company and the Government of India. He had that day re-read the speech of the noble Earl, and the noble Earl appeared to him to say, that if the troops engaged in the campaign in the Punjab were given six months batta, they would have no grounds of complaint. He now seemed to regret having said so, and to think that though they had received that amount of batta, full justice had not been done them. He (Lord Broughton) regretted very much that the noble Earl had brought this discussion forward a second time; for, with his experience and knowledge of India, he must know the perilous consequences of what he was doing—he must know that throwing out these doubts as to the justice done to the army, was placing the Governor General, as well as the interests of India generally, in a position of great peril. He denied *in toto* that any injustice had resulted to the army of India from the course which had been pursued towards it. The sum of money granted to the soldiers of the Indian army was at least as great as that which it would have received supposing the booty of war had been granted to it; and since the year 1849, when the papers relative to the war in the Punjab were laid upon the table of both Houses of Parliament, no complaint had reached the ears of the authorities of India, either at home or abroad, from soldier or from officer, save the noble Earl opposite. Knowing, as he did, how dear the interests of India and those of the soldiers of India were to the noble Earl, he could not understand what earthly reason had induced him to bring this Motion forward. The noble Earl had told them that he wanted the rights of the Crown to be preserved, both as to the past and the future operations of war. Now, it seemed to him (Lord Broughton) that if Her Majesty had not considered the rights of the Crown to have been duly protected in the Treaty of Lahore, She would not have granted a higher honour in the Peerage to the Functionary who signed it. The noble Earl had not only accused in his speech of that night the authors of that arrangement, and those who approved it, but had also declared that they had not done justice to the officers and soldiers who achieved those great victories; and the noble Earl had also said, that the army, if it had got its share of the booty, would have got a larger sum of money than that it received in batta. Now, he did not know on what authority the noble Earl put forth that assertion; but this he did know, that the Commander-in-Chief, Lord Gough, had made no public complaint of that kind, nor had any other officer. He must correct a mistake into which the noble Earl had fallen, when he said that the siege of Mooltan had no reference to the campaign of Lahore. He must remind the noble Earl that Mooltan and its citadel belonged to the State of Lahore. [The Earl of ELLENBOROUGH: I know that.] Why, then, had the noble Earl endeavoured to draw a distinction between the army in Lahore and that before Mooltan?

The EARL of ELLENBOROUGH said, that all he had stated was, that the property in Mooltan did not belong to the Maharajah as Sultan of Lahore.

LORD BROUGHTON observed, that instead of troubling their Lordships with any opinions of his own, he would now proceed to inform them what was the question which he had submitted to the law officers of the Crown, and to three other legal gentlemen of high standing in the profession. That question referred entirely to the arrangement made at Lahore, on which depended the whole merits of the case. He might as well inform them, in the first instance, that the case drawn out for the Queen's Advocate, the Attorney General, and the Solicitor General, was drawn out in such a manner as to contain the whole of the noble Earl's speech before referred to, as also a private letter which the noble Earl had addressed to him on the subject. It was perfectly true that the other three gentlemen did not see the case with the private letter in it; but he happened to know that that letter was read to them by one of the law officers of the Crown. The question asked at the conclusion of the case was—

> "Whether the arrangement of the 29th of March, 1849, concluded by Lord Dalhousie with Maharajah Duleep Singh, and ratified by the home authorities, could be impugned on any legal grounds?"

And the reply was—

> "We are of opinion that the arrangement of March 29, 1849, concluded and ratified as stated in this case, cannot be impugned.
>
> "JOHN DODSON.
> "A. E. COCKBURN.
> "W. P. WOOD.
> "FREDERIC THESIGER.
> "FITZROY KELLY.
> April 30, 1851. "LOFTUS WIGRAM."

The EARL of ELLENBOROUGH observed, that he did not like to refer to what had passed between the noble Baron and himself in private; but he had understood the noble Baron to say that his letter and speech of 1849 were inserted in the case as originally intended to be submitted to the law officers of the Crown, but that afterwards the Court of Directors asked to be permitted to intervene, and a case was prepared to which the opinion placed in his hands by the noble Earl was the answer; but, as he understood, his letter and speech were not in the second case placed before the law officers.

LORD BROUGHTON said, he had told the noble Earl just what he had told the House—namely, that the first case did contain the private letter and speech of the noble Earl; that though the other three counsel had not had the private letter submitted to them, they had the advantage of knowing the contents as well of that letter as of the noble Earl's speech.

The EARL of ELLENBOROUGH hoped that as the first case had been produced, there would be no objection to produce the second.

LORD BROUGHTON would now address himself to the main point of the speech made by the noble Earl that evening. The noble Earl had said that the Governor General in Council had no right to appropriate this booty to the Treasury of India, as it was the property of the Crown. Now, he should like to know what difference existed between this case and two others, which he would take the liberty of recalling to the recollection of the noble Earl. The first was the noble Earl's own transaction with respect to Gwalior, in which his practice did not seem to have been essentially different from that of Lord Dalhousie.

The EARL of ELLENBOROUGH: There was no property in that case except the guns taken in the field.

LORD BROUGHTON: But it was property won at the point of the bayonet as much as that won at Lahore. By the 5th article of the Treaty with Scindia, of the 13th of January, 1844, it was stipulated thus:—

> "Whereas there is now due to the British Government the sum of 10 lacs of rupees on the score of charges of the contingent force, and a further sum of 1 lac on account of advances, and the charges of the present armament of the British Government may be estimated at 10 lacs, and a further expenditure of 5 lacs will be incurred by the British Government in affording compensation, it is further agreed that His Highness shall pay to the British Government the sum of 26 lacs of rupees within 14 days from the date of the treaty."

Here was a specific sum of money extorted from a prince who was a minor, at the point of the bayonet, and almost on the field of battle, yet there was no hesitation in applying that sum in discharge of debts due to the British Government and of the expenses of the war. The destination of the sums extorted from Gwalior and from Lahore was precisely the same; and the Gwalior money was as much, or more, the produce of the battle of Maharajpoor as the Lahore jewels were the produce of the battles in the Punjab. The other case which he wished to recall to the attention of the noble Earl occurred under the government of the noble Viscount opposite (Viscount Hardinge). Lord Hardinge, in his treaty with Lahore, of March 9, 1846, demanded, "as indemnification for the expenses of the war," payment of one and a half crores of rupees. It is true that he commuted two-thirds of this sum for a cession of territory; but such commutation would seem to make no difference if there were an inherent right in some other body than the Government of India to have all money acquired by force of arms. It would be unfair to defeat such a right by such a commutation. But, at any rate, Lord Hardinge demanded in cash one-third of the abovementioned sum, or 50 lacs of rupees, towards the expenses of the war; it was given neither to the Queen nor to the soldiery, but was taken as an indemnification to the Government of India for the expenses of the war, and for money which was due to it; and why should a distinction be drawn between that case and that then before the House? Lord Dalhousie then followed these examples; and he should like to know who had a better right to this money than the people of India, for it was they who received it, when it was paid into the Indian Treasury, and the East India Company had no interest in it whatsoever. With respect to the returns for which the noble Earl had moved, he did not know whether the noble Earl really wanted them, or had only moved for them to raise a discussion; but if the noble Earl really wanted them, he must tell him that there was some portion of them he must withhold, as they could not be given with due regard for the public service; others could not be given without previous communication from India. As to producing the case submitted to the lawyer, he was precluded from producing communications which were confidential, and which could not indeed be legally granted, for the 34th section of the East India Company's Act contained a special reservation, which rendered inviolate all communications between the East India Company and their officers at home. He was ready to produce all that he could with propriety produce; but he hoped the noble Lord would not press the Motion.

The EARL of ELLENBOROUGH replied, that he should feel much more satisfied if the noble Lord, in addition to stating the substance of the first case prepared for the law officers of the Crown, had had the goodness to inform him whether the question with which it concluded was the same as that with which the second case concluded. With respect to the precedent to which the noble Lord had referred, he must observe that the treaty with the Maharajah was made with a prince who had been practically a prisoner for many months; he was a mere child, and those who acted for him found it was for their own interest to adopt the course of proceeding proposed to them. The Gwalior case was entirely different from the Lahore case; in the former case the army had defeated the enemy in the field, but it had yet to get possession of a place defended by 9,000 or 10,000 men supported by a strong citadel, and it was necessary to make such arrangements as should avoid another battle; the arrangement made in the Gwalior case was made between two States, and not between a State and a conquered enemy. He had said nothing which could justly be thought to cast reflection on the Governor General of India. He adhered to the expression he used in 1849, that the Governor General had acted inadvertently, that he had acted under the error of supposing that he was the representative of the Crown, whereas, in fact, he was the representative of the East India Company only.

The DUKE of WELLINGTON: My Lords, having had the honour of serving in the East Indies, and having some knowledge of transactions of this description, I must say, my Lords, that from experience of the station of Governor General in Council, I had conceived a very different opinion from that which has now been given by my noble Friend behind me, who, I think, has a more practical knowledge of the subject than I can possibly have. But I talk only of my own experience. The Governor General in Council is the representative of all British authority in the East Indies, and exercises all British authority in the East Indies. I have served in an army to which the Governor General in Council has granted booty on the part of the Crown; he has taken upon himself to assume, or, if the noble Lord pleases, to usurp the authority of the Crown in granting booty. But I say I have myself partaken of booty thus granted by a Governor General. It is true, my Lords, that he is appointed by the Court of Directors of the East India Company; but by the law of England he exercises every British authority in the East Indies, and he assumes to himself the power of the Crown to grant booty in the possession of the Crown. My Lords, that assumption of authority must be confirmed, and I have no doubt it was confirmed, at least I have never heard otherwise than that it was confirmed, and would be, I conclude, in every instance; but this is what I insist upon, that the Governor General in Council in India does exercise every power of every description on the part of this country, and that by law he may usurp authority with which he is not strictly invested at the moment; but that is a matter to be settled between the Crown and the authorities that appoint him, namely, the East India Company. The Crown subsequently confirms that assumed authority, and the matter there remains as between the Crown and the East India Company. I am speaking of that which I know from experience is the case.

The LORD CHANCELLOR said, that whatever observations fell from the noble Earl who had brought forward the Motion would be received with the most profound respect; and if the noble Earl propounded the opinion that injustice had been done to the military in the case to which he had adverted, the opinion was one which could not fail to excite the deepest attention. The noble Lord at the head of the Board of Control having called his attention to the notice given by the noble Earl, he had made himself master of the facts of the case, and believing that neither the facts of the case nor the state of the law applicable to them were properly understood, he should tender some explanations on the subject. It was material first to get at the exact facts of the case to which the question applied. The noble Earl had considered the question as being whether the property referred to belonged to the Crown; yet they were not to consider the question as lying between the East India Company and the Crown simply; for if the property belonged to the Crown, it was a question whether the army might not expect to derive benefit from it, to which they could not properly be entitled if the property belonged to the East India Company. By a treaty made in 1846, Lahore was to be occupied by certain troops of the East India Company, who were to receive a payment of 22 lacs of rupees a year, and the affairs of the Maharajah were placed under the management of a British Resident. After this treaty of 1846, things remained quiet until 1848. In 1848 no war had arisen between the Maharajah of Lahore and the British Government in India; but certain subjects of the Maharajah rebelled against their Sovereign, and the British Government interfered to protect him. It interfered as an ally and friend, not as an enemy, of the Maharajah. On the 17th September, 1848, in consequence of certain transactions which had taken place at Mooltan, the Resident at Lahore, conceiving the Maharajah's person to be in danger, and also the property of the State, and considering that a rebellion of an alarming extent was then in progress, thereupon, as a friend and an ally, and on the ground of protection, and not as an enemy or by military force, removed the Maharajah, who was taken under the protection of the East India Company, and the jewels and property in question were placed in the citadel under the guard of a force of the East India Company's troops. Did that property thereby become the property of the British Crown? Certainly not. Under what circumstances would it afterwards become the property of the Crown? If the property were seized in anticipation of hostilities, and by way of precaution, and the hostilities which had been anticipated followed, the principle stated by the noble Lord was applicable. The subsequent declaration of war operated on the property previously seized, and it became the property of the seizing Power; but he submitted that it was distinct law that property not seized hostilely, not seized in anticipation of hostilities with the sovereign to whom it belonged, a subsequent declaration of hostilities did not affect. The general principle had been discussed in a case which had occurred at the Cape of Good Hope. The property seized on the 17th of September, 1848, was seized for the purpose of protection, when the person of the Maharajah was also taken under protection by the Indian Government. He believed that at the time the Queen's troops had not entered Lahore at all; and it was not till the 20th of October following that there was any statement made with reference to general hostilities in the documents he had seen—documents which went to show that the steps which were taken were taken for the protection of the Maharajah. If possession had been taken of the property, not in anticipation of hostilities, but in the way now described, and if hostilities had subsequently arisen, would that property belong to the Crown, and could any army be entitled to have it awarded as booty? Certainly not. Therefore the material question was to ascertain whether the property was taken possession of hostilely or not with reference to the Maharajah. If not, there was an end to the question altogether, because no subsequent declaration of hostility, or subsequent hostility, would affect that property. The Maharajah, with his council, then, entered into a treaty of this nature: He found he had not strength enough to maintain his sovereignty against his rebellious subjects; he therefore proposed to resign his sovereignty and all the rights belonging to him (not that the surrender was a matter of choice, but that was the form). The treaty into which he entered was one in which he assumed to be what in every view of the case (he the Lord Chancellor) conceived the Maharajah to be, the owner of that property taken for protection on September 17, 1848; and the Maharajah resigned the sovereignty, together with the property, in consideration of the East India Company engaging to allow him so many lacs of rupees a year, and making certain arrangements with respect to his future condition. It was clear, therefore, that this property, being taken possession of before any hostilities, and not by force, did not become booty by any subsequent declaration of war, and therefore was not divisible among the army as booty. The property in question never was taken possession of under such circumstances as would deprive the Maharajah of his character as owner; and, consequently, there was no ground for the supposition that the army had any claim on the property, for the property never belonged to the Crown by any right which could give the army a claim to it. If it could be shown that the Maharajah had lost the right to the property, the case might have been different. It seemed to him that there was no ground whatever for supposing that injustice had been done to the army, for that property never belonged to the Crown, nor had the Crown any right which could give the army any claim to booty. Unless it could be shown that the Maharajah had lost his right to the property, there could be no ground for the view suggested by the noble Earl. In a former speech the noble Earl had suggested that the Maharajah was incapable of entering into a treaty, insomuch as that he was not a free agent; but there were few treaties in which both parties were perfectly free agents, and it would be a new doctrine to state that a party should not be bound by a treaty because his will had been fettered at the period of entering into it. Such an idea was founded on the total mistake of applying the municipal law to political transactions. For these reasons he differed from the view which the noble Earl had taken of these transactions.

The **Earl of ELLENBOROUGH** said, that as far as possible, in arguing this question, he had put the army in the back ground, and he had rested the issue upon the rights of the Crown. If it was thought expedient to make grants of this description on the part of the Crown to the East India Company, let it be done. All he said was, that since 1846 property had been taken from the Crown unlawfully, and he only desired that it should pass lawfully into the hands to which it belonged. If the noble and learned Lord on the woolsack had ample time and opportunity to bestow upon the question, he (the Earl of Ellenborough) would as readily rely upon his opinion as he would upon the opinion of any other noble and learned Lord whom he knew; but he believed the noble and learned Lord had been instructed only as to one-half of the case, entirely overlooking the other half. The noble and learned Lord's argument turned upon the seizure at Lahore; but there was other property seized at Mooltan and elsewhere, and there was property which was seized not only before the war, but during the war. Besides, the declaration of hostilities had a retroactive operation, and hence the whole of the property seized at Lahore came within the same conditions as the property subsequently captured. The noble and learned Lord argued also that the Maharajah continued to be a friend of our Government, and had the property in his possession in September, 1848. Now, a letter of the Governor General in Council, dated October 3rd, 1848, stated that his Excellency considered the State of Lahore to all intents and purposes to be directly at war with the British Government. The seizure was effected on the 17th of September previous, and the declaration of the 3rd of October operated retroactively on the property seized at Lahore. The noble Earl then referred to the last war for authorities as to this retroactive operation, and in particular he cited a case which occurred in 1804, with regard to some property belonging to certain merchants in Demerara. It was reclaimed on the ground that, at the time of the seizure, the owners were not the enemies of England, and that it had been seized a month before the declaration of hostilities. Sir William Scott decided against the claim, because the declaration had a retroactive effect, applying to all property previously detained and belonging to persons liable to be considered enemies in time of war.

LORD BROUGHTON said, he should like to ask the noble Earl opposite this question—whether the East India Company were not trustees for the Crown? If they were trustees, he would ask whose servant was the Governor General? He was the servant of the trustees of the Crown, and, therefore, he represented the Crown.

The EARL of ELLENBOROUGH said, the noble Lord himself was a servant of the Crown with regard to the affairs of India; but he would seriously warn him against taking the dangerous ground that the East India Company represented the Crown.

The MARQUESS of LONDONDERRY expressed his painful regret at seeing two noble Lords of high character, and both deeply conversant with and experienced in the affairs of India, so much at variance on a question of such a nature as that now before their Lordships.

On Question, Motion for Papers, &c., *agreed to*, and ordered accordingly.

On Question, Motion for an Address, *Resolved* in the *negative*.

SALMON FISHERIES BILL.

The DUKE of ARGYLL moved the Second Reading of this Bill. The Bill embraced two objects: it proposed, in the first place, to render compulsory the cessation of net-fishing from the 1st of September, instead of the 14th of that month, thus giving the salmon a fortnight's longer run than they enjoyed under the present law. He proposed also that the "Saturday's Sabbath," during which the fish were allowed to run up the courses of the river without let or impediment of any kind, should, instead of beginning at sunset on Saturday, and ending on Monday morning at sunrise, as was enacted by the old statute of 1471, commence at eight o'clock in the evening of Saturday, and terminate at six o'clock on Monday morning. He need not remind their Lordships that the salmon fisheries of Scotland were of great importance; and it had been shown by the evidence of Mr. Hogarth, several years ago, that the value of the salmon imported in boxes into London from Scotland, amounted annually to a sum of between 200,000*l.* and 300,000*l.* He trusted, therefore, that their Lordships would give the Bill their careful consideration, so that there might be some chance of its passing into law during the present Session of Parliament.

The DUKE of RICHMOND said, that he was personally interested in salmon fisheries, but he should not divide the House against the Bill. He hoped, however, that the noble Duke would give time, before the Bill went into Committee, for the proprietors of the salmon fisheries in the north of Scotland to become acquainted with the fact that there was such a Bill before Parliament. He was not prepared to say that his noble Friend was wrong in wishing to close the net-fishing on the 1st of September, because he believed that the best-informed fishermen on the Spey did not fish after that period; but he did not see why there should be a clause permitting rod-fishing, which he looked upon as a bribe to the upper heritors.

The DUKE of ARGYLL observed, that it ought to be remembered that it was in the waters belonging to the upper heritors alone that salmon could propagate their species, and he did not think that it was too much for them to ask for a fortnight's or three weeks' rod-fishing after the season for fishing with nets had closed, since that would be the only time when they would catch any fish. Besides, it was but a trivial boon after all; for the number of salmon caught with the fly were but a drop in the bucket compared with those caught in nets and traps.

The EARL of MINTO believed that the Bill was calculated to do good as far as it went, and it should, therefore, have his support. In his opinion, however, the most important part of the Bill was that which regulated the "Saturday's Sabbath."

After a few words from the Duke of ARGYLL and the Earl of YARBOROUGH,

On Question, *agreed to.*

Bill read 2^a accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 26, 1851.

MINUTES.] NEW MEMBER SWORN.—For Longford, Right Hon. Richard More O'Ferrall,
Reported.—Apprentices to Sea Service (Ireland) (No. 2).

LIEUTENANT WYBURD.

MR. DISRAELI presented a petition from two ladies, who stated that in 1835, their brother, Lieutenant Wyburd, was despatched on a highly important mission to Khiva, in Asia; and that, in 1845, after an interval of ten years, some information was received by them of the existence, as they believed, of their brother, from which it appeared that he had never reached Khiva, but had been taken prisoner by the Ameer of Bokhara. The petitioners thereupon entreated the interference of the Government and the East India Company on behalf of their brother. The reply the petitioners received was, that inquiries had been made, and, although it was ascertained that this English officer, whilst serving his country, had been taken prisoner by the Ameer of Bokhara, there was reason to believe he was dead. The petitioners then stated that, notwithstanding that reply, they had good grounds for believing there was no authority for the allegation that Lieutenant Wyburd was dead, for it so happened that, in August, 1848, information was received by them that the lieutenant had escaped from his captivity thirteen years after he had been despatched on that mission, and it was therefore clear that he could not, as alleged, have expired three years before. The petitioners then stated that in the same year, namely 1848, the Khan of Khokan wrote to the English Resident at Khiva, stating that Lieutenant Wyburd was at the city of Khokan, and was in his power there. The petitioners stated further, that they had made repeated applications to Her Majesty's Government and the Directors of the East India Company to take steps to secure the release of this British subject, who had endured captivity, and wasted the best years of his life in the service of his country; but that they had made those applications without any effect whatever. The petitioners prayed the House to interfere to obtain the liberty of their brother.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

The CHAIRMAN: On Friday night the Committee rested after the word "thereby."

MR. TORRENS M'CULLAGH rose to propose an Amendment to leave out the words which enacted that the Rescript of September last was unlawful, and thereby to render all persons who might conscientiously consider that Parliament was overstepping its legitimate province of legislation, and who continued to look upon that document as of full effect, and either adopted the titles conferred by it, or countenanced the adoption of such titles, guilty of a misdemeanour, and liable to punishment. That such would be the effect of the words he took exception to, was not denied by the hon. and learned Solicitor General: the result, therefore, of passing the clause as it was would be to enact a penal law against a large class of Her Majesty's subjects. If his Amendment were adopted, it would make a difference in the moral aspect of the case, by leaving the matter merely in the shape of a declaration.

Amendment proposed in page 2, line 24, to leave out the words "unlawful and."

The SOLICITOR GENERAL said, that it had been over and over again stated that there was no question whatever of the Rescript of the Pope being illegal. The grounds of its illegality were these:—By the statute of the 2nd of Richard II., as applied to Ireland by Poynings' law in the reign of Henry VII., recognised by the decision in Lalor's case, decided in the reign of James I., all these instruments were pronounced contrary to the law of the land. If the Committee consented to the Amendment, it would be to admit that there was nothing unlawful in the act itself. The clause is only declaratory, and the practical declaration did not alter the law of the land any more than it was before the clause was passed. In fact, the clause was only a solemn declaration and re-enactment of the law, which had not been infringed for more than 300 years.

MR. GRATTAN said, that however unlawful the Rescript of the Pope was here, it was not so in Ireland. No one could deny that whatever issued from the Pope on ecclesiastical matters had full force in Ireland, whether Rescript, Letter Apostolic, or Bull. Was it the intention of the Government to put down the Roman Catholic religion in Ireland altogether by this Bill, and that while they professed to leave the Emancipation Act of 1829 intact? He could not understand such tricks as those of repealing the Act of 1829, either by open means or surreptitiously. He had not been brought up to them, though he had been twenty years in that House. How could the Pope of England be expected to respect a legislative assembly that was trying to do in an underhand manner what ought to be done, if done at all, in an open and undisguised form? The people of Ireland were so frightened by the present system of legislation that they were taking wing and flying to America in hundreds every week. He wished to know whether, if the Bill passed, the right hon. and learned Attorney General for Ireland would dare to indict the Roman Catholic Archbishop of Dublin? A former Government had, to be sure, indicted the late Mr. O'Connell; they had indicted him twice; but what did they get by it? Why, literally nothing. The Act of Union in 1800 had made Ireland a Roman Catholic country, and this Bill would continue it a Roman Catholic country. Every Irish Member was fully justified in opposing a measure so fraudulent and disgraceful as the present. The Government said that in proposing it they had yielded to the voice of the people; but for twenty-nine years they had resisted the voice of millions who had been crying out for justice to Ireland. He had no objection to adopt the advice given the other night by a noble Lord opposite (the Earl of Arundel and Surrey) and to walk arm in arm with that noble Lord out of the House. He was anxious to show in every possible way that he was not a party to a miserable, deceitful measure like this, which did not satisfy anybody; and, notwithstanding the introduction of such a Bill, he still entertained hopes that England and Ireland would continue to be united, not by means of penal laws, but by the laws of equality and justice. They could not coerce or indict—do as they pleased—8,000,000 of the people.

MR. CONOLLY said, that the Bill was merely a defensive measure, prohibiting, indeed, the assumption of territorial titles by bishops of the Roman Catholic Church, but neither prohibiting the enjoyment of his religion by the Roman Catholic, nor interfering with the spiritual functions of the Roman Catholic bishops. Hon. Gentlemen who opposed the Bill had uncandidly argued and put in legal opinions, upon special cases, drawn up for the purpose, to show that the Bill aimed at their religion. But that position had been denied by the law officers of the Crown, by the most eminent lawyers on the Opposition side of the House, and by the high authority of the Lord Advocate of Scotland; and this being the case, the *argumentum ad misericordiam* founded upon that position fell to the ground. The simple question, then, before the Committee was, whether or not the Pope was to be allowed, in this aggressive manner, to appoint his bishops with territorial titles within the realm of England? The Papacy did not confine its operations to the extension of its religion. On the contrary, it tampered with civil affairs, and ever since the time that the Pope first acquired strength enough to make his influence felt in Europe, he had always made such political use of Christianity as led to that which he (Mr. Conolly) now apprehended — a dangerous collision between the spiritual and temporal power, the creation of a power independent of the law of the land, and, therefore, irreconcilable with the complete supremacy of that law. The late Sir Robert Peel himself had declared that he entertained distrust of the Roman Catholics, not on account of the peculiarity of their faith, but because there was engrafted on their religion a scheme for the furtherance of the power of man over man. That had always been the genius and spirit of Roman Catholicity; and they ought to be glad that it had been exhibited in this country by an overt act, such as the usurpation against which this Bill was directed. The noble Lord at the head of the Government had drawn a sound distinction between the temporal and spiritual power—he had drawn a just line of demarcation between the two. In stating to the Power which he meant to restrain, "Thus far shalt thou go, and no further," he had acted with temperate and wise discretion. Hon. Members exclaimed against the Bill as an infringement of religious liberty; and some had joined in that exclamation who sat on the benches near him. Had the latter reflected that the Roman Catholic priests did everything in the name of religion, and that in using this argument they had bound themselves up with the enemies of their faith? Civil and religious liberty must go together, and if they exalted one beyond the other, they would find it was a despotism of the worst kind.

Mr. FREDERICK PEEL had no wish to follow his hon. Friend through the remarks he had made on the main question of this Bill; but he confessed that his mind was in such a state of uncertainty with respect to the probable range of this clause, that he felt inclined to support the Amendment of the hon. and learned Gentleman (Mr. M'Cullagh), or indeed he might say any amendment which would weaken its effect. He really thought that the Committee would expose itself to the imputation of inconsistency of conduct, if, after having deliberately consented to reject two clauses which stood in the Bill as it was originally introduced by Her Majesty's Government, and that on the recommendation of the right hon. Gentleman the Home Secretary, it should now consent to adopt this clause, unmodified in any respect, and which had been borrowed by the Government from the Amendments proposed by the hon. and learned Member for Midhurst (Mr. Walpole). Let the Committee recollect the circumstances under which it had consented to waive those two important clauses. The right hon. the Home Secretary informed the Committee that subsequent to the introduction of the Bill it had been discovered that, under certain circumstances, such, for instance, as the Charitable Bequests Act, it might happen that a Roman Catholic priest would be required to produce in a court of law, with a view to establish his title to a donation given under the Charitable Bequests Act, the letters of his ordination and the instruments of his institution or collation to his benefice. These letters and instruments were invariably signed by the dignitaries of the Roman Catholic Church, by the style and title of the sees to which they were nominated and appointed by the Pope. Yet the courts of law in Ireland had not considered these documents inadmissible in evidence, on the express ground that, though the open assumption of titles was prohibited, there was no express declaration in the Roman Catholic Relief Act that these titles were in themselves illegal and void. If that were so, how would it be consistent in them to adopt this clause without any modification whatever, which declared that this Brief, and all titles derived under the Brief, were illegal and void? Was it not clear that if they expressly declared that this Brief issued by the Pope was of no effect in law, and was to be deemed and treated as non-existent, no court of law in the world could recognise a title used under such Brief, and subscribed to any instrument whatever, whether for ordination or collation, as valid and sufficient to designate the party. These were the circumstances: let them reconcile them if they could, if not, let them introduce some modifications into this clause. It might be said that this clause referred only to one particular Brief—that it concerned England alone—and that Ireland, with respect to which the Charitable Bequests Act alone was in force, could not be prejudiced by it. But then they must observe that the clause was a declaratory one. It re-enacted the existing law, in terms, perhaps, which only struck at one particular Brief; but substantially it declared that every Brief and every title derived from the Pope as the source of its origin and the fountain of its derivation, were illegal and void. But it might be said, that the clause was an innocuous one, as it only re-enacted the existing law. But then the very fact that they were under the necessity of re-enacting laws which were already in force, proved that the old law had been allowed to fall into desuetude, if not into oblivion. There were, no doubt, a number of penal enactments, if they chose to search for them, still on the Statute-book. There was, for instance, the 16th section of the 1st of Elizabeth, which contained several penal enactments; but these Acts had been allowed to fall into oblivion, and the documents which they now proposed to prohibit had for a length of time been permitted to be put in evidence. Because of these circumstances, he was anxious to see some modifications introduced into the clause, which would remove the objections he entertained to it as it now stood.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 179; Noes 43: Majority 136.

On Question, "That the Clause stand part of the Bill,"

MR. REYNOLDS begged to ask the noble Lord at the head of the Government a question. Bearing in mind the differences of opinion that existed between several eminent lawyers with reference to the probable effect of this clause—particularly to the differences between the hon. and learned Attorney General and the hon. and learned Solicitor General on this subject, and also to the differences between both and the hon. and learned Member for Midhurst (Mr. Walpole), and coupling both with the able argument which appeared in the Government organ of this morning—he meant the *Times* newspaper—he was anxious to ask the noble Lord, whether he was now determined to persevere in proposing that this clause should be adopted by the Committee?

LORD JOHN RUSSELL said, he had not perceived the difference of opinion between the law officers of the Crown and other hon. and learned Gentlemen, to which the hon. Member had referred, and it was certainly his determination to go on with the clause.

MR. KEOGH said, he did not expect any other answer from the noble Lord, because the hon. and learned Solicitor General stated at an early period of the evening that it was impossible to abandon this clause. Yet he could not understand how it was impossible to abandon it, for the Bill as it was originally introduced did not contain the clause. It was adopted by the Government at the suggestion of one of their political opponents. There was no declaration of the House in its favour; there was no vote of the House in its favour. The noble Lord was only responsible for it in so far as he had taken it from the hon. and learned Member for Midhurst. When that hon. and learned Member first gave notice of his Amendments, and particularly of this clause, the *Dublin Evening Post*, the official organ of the Government in Dublin, and every other organ and every supporter of the Government in Ireland, went about drawing a contrast between the Bill of the Government and this clause; and they said, "Why do you oppose Her Majesty's Government—their Bill is not so bad as the hon. and learned Member for Midhurst would make it, and they will do all in their power to oppose his Amendments?" And yet the House had hardly reassembled after the recess when the noble Lord informed them that he had adopted this, the most important and the most obnoxious of the hon. and learned Member's Amendments. As the noble Lord had ventured to say he was unaware of any difference of opinion between the law advisers of the Crown and the hon. and learned Member for Midhurst, he would undertake to make it intelligible to the noble Lord. The hon. and learned Member for Midhurst was now present, and would correct him if he should misrepresent what had fallen from him. He understood the hon. and learned Member to declare that the clause now before the Committee did not apply to Ireland. [Mr. WALPOLE signified his assent.] The hon. and learned Gentleman assented to that statement, as he expected he would. Now, what said the hon. and learned Solicitor General? In reply to the right hon. the Member for the University of Oxford (Mr. Gladstone) he distinctly said that this was a declaratory clause, and that it necessarily included the creation of the bishopric of Ross in Ireland. The Solicitor General was in his place, and he called upon him to say whether he had correctly quoted his language. [The SOLICITOR GENERAL made an affirmative gesture.] The Solicitor General also assented to the correctness of his statement. The two hon. and learned Gentlemen were therefore in direct contradiction to each other. And yet the noble Lord could not conceive the contradiction between those two declarations. Then the hon. and learned Attorney General said that this was a declaratory law, and that it declared that the Brief was unlawful. Now, there was no lawyer who could say that any act done under the Brief was as much unlawful as the Brief itself. He appealed to the hon. and learned Member for the University of Dublin (Mr. Napier), and the hon. and learned Member for Cork (Mr. Serjeant Murphy), whether it was not so, that the exercise of any authority under an unlawful brief would not be itself a violation of law, and punishable as such. But what said the hon. and learned Attorney General? That this clause would not affect Ireland as regarded criminal consequences. The moral to be deduced was, that the hon. and learned Member for Midhurst said the clause would not touch the case of Ireland; and the noble Lord at the head of the Government was afraid to make it applicable to Ireland, because he dreaded the consequences it would have there. The noble Lord and all his supporters and friends disclaimed his intention to entertain such a proposition; but, in order to give a sop to this side of the House, he was ready to take the version of the hon. and learned Solicitor General, who said that it must apply to Ireland. Then there was a third party to be dealt with—the representatives of Ireland, some supporters and some decided opponents of the Government. It was necessary something should be done to bamboozle them; and therefore the hon. and learned Solicitor General said it was only a declaratory Act, affecting nobody, doing nothing, and leaving the law exactly as it was. That being so, then came the proposition, was the act against which they were legislating unlawful? The hon. and learned Solicitor General assumed that there was no lawyer in the House who would say that it was not unlawful; but he (Mr. Keogh) was prepared to meet that proposition. He would ask, after the legislation of the last fifty years, was it not incumbent on the law advisers of the Crown to prove to demonstration that it was unlawful before the House was required to assent to that clause? Was it fair, or just, or right, to come down and say "Everybody knows that the bringing in a Brief or Rescript is unlawful, *ergo*, the law is so;" and to pass this clause without any necessity being assigned for so doing? True, there was the argument of the hon. and learned Solicitor General, with great equity knowledge, to show that it was illegal; and the hon. and learned Attorney General, with great candour confessing that no one could expect him to enter upon a law argument in that House, thought that the clause could have no criminal effect in Ireland, that it merely left the law as it found it, and that, in short, it did nothing at all. Still, what proof was there of its being unlawful? Was it unlawful under the 13th of Elizabeth, or the Act of Richard II., or was it unlawful under both? He (Mr. Keogh) said, as regarded England, the 13th of Elizabeth made it unlawful. The Act of Elizabeth made the offence high treason. By the Act of 1846, commonly called Lord Lyndhurst's Act, the penalties under that statute were repealed. He appealed to the hon. and learned Member for the University of Dublin, whether, if it was not an offence at common law, and he did not apprehend he would say it was, thus removing the penalties did not remove any offence under the Act? The hon. and learned Solicitor General said, Lalor's case proved the contrary, and the statute of Richard II., by Poynings' Law, was made applicable to Ireland. He (Mr. Keogh) contended that the statute of Richard II. was applicable to an Established Church, with universities, titles, and privileges, and did not apply to a dissenting Church, as that of the Roman Catholics, and, therefore, that Lalor's case did not prove the proposition of the hon. and learned Gentleman. At the time of Lalor's case, the very belief in the Roman Catholic religion was proscribed, and it was not only illegal to bring in a Bull, but to profess that religion. By reference to the State Trial papers, it would be found that Lalor was prosecuted for having

> —"instituted divers persons to benefices with cure of souls, granted dispensations in cases matrimonial, pronounced sentences of divorce between divers married persons, and done other things, appertaining to ecclesiastical jurisdiction."

The charge of preferring to benefices and sentencing to divorce, showed that the Crown lawyers looked to the exercise of ecclesiastical jurisdiction as connected with an Established Church. But, even supposing that such was not the case, he appealed to the noble Lord (Lord John Russell), not as a lawyer, but as a statesman, legislating for the interests of all Her Majesty's subjects, whether, after his great career, he would rely on one or two old musty statutes in order to lay the foundation for a Bill affecting the liberties of 8,000,000 of those subjects? He (Mr. Keogh) was not, however, driven to have recourse to the sympathies of the noble Lord. He would refer to the statute of 1846—the Charitable Bequests Act. It was introduced in 1845, under the administration of the late Sir Robert Peel, and was not very popularly received in Ireland, because of the restrictive clauses which it contained; but the educated portion of the Roman Catholic body saw that great advantages would be conferred on their Church, and supported it by every means in their power. He would ask the right hon. Baronet the Member for Ripon (Sir James Graham) if it was the intention of the Government to keep in full force and efficiency those restrictions to which the noble Lord at the head of the Government and the legal advisers of the Crown had referred? It was perfectly impossible it could ever have been intended to do so. He turned to the statute itself, which had been treated cavalierly by the hon. and learned Solicitor General; and that was not the only thing the hon. and learned Gentleman had treated cavalierly. It was very easy to exhibit levity in the front of 250 Ministerial supporters, and to treat with levity the few who were defending, as they believed, the religious liberties of their fellow-countrymen; but he begged the hon. and learned Gentleman to recollect the many and multifarious contradictions, the slips, the mistakes, the errors, and the miscalculations which his predecessor and those who were joined with him had made before he (the Solicitor General) again condemned those who were opposed to this Bill. Referring to the Charitable Bequests Act itself, by the 6th section the Commissioners of Charitable Bequests, consisting of Protestants and Catholics, were obliged to acknowledge the usage and discipline of the Roman Catholic Church in Ireland, as certified to them by the Roman Catholic bishops, in any case in which the devise or bequest might be affected by that usage and discipline; and by the 15th section persons were enabled to convey property for the maintenance of archbishops, bishops, and deans of the Roman Catholic Church in Ireland; how, he asked the hon. and learned Solicitor General, was that point to be determined? Would it or would it not be by a reference to the Papal Rescript or Letter Apostolical by which the bishop was created? Passing over the rubbish about the procession of the Roman Catholic prelates to the Synod of Thurles, and the terms of exaggerated eulogium in which the Lord Lieutenant of Ireland had over and over again addressed the Roman Catholic bishops, he asked the noble Lord (Lord John Russell) whether the Government could pretend to be ignorant as to who the Roman Catholic prelates were? At a remarkable period of modern history—in August, 1799, Lord Castlereagh, at the instance of Mr. Pitt, addressed some celebrated questions to Dr. Troy, then Roman Catholic Archbishop of Dublin, with the view of obtaining some information relative to the Roman Catholic Church in Ireland. The nature of the questions would be apparent from a few, the first of which he would read to the Committee, with the answer it received:—

> "1. What are the Roman Catholic bishoprics in each province, and which of them are united, and what is the income of each see, and whence does it arise, and what are the *commendams* held with each?—There are four metropolitical bishoprics in Ireland, which denominate the four ecclesiastical provinces into which the Roman Catholic Church is divided, viz., Armagh, Dublin, Cashel, and Tuam. In the province of Armagh are the following Roman Catholic bishoprics:—Meath, Clogher, Raphoe, &c. In Dublin five deaneries, &c. The Irish Roman Catholic Church has no particular liberties (as the Gallican). There is no particular regulation in Ireland as to appeals to Rome, such appeals being regulated by the regular canons of the church.—Signed by J. T. Troy, Roman Catholic Metropolitan of Dublin; Edward Dillon, Roman Catholic Metropolitan of Tuam; Richard O'Reilly, Roman Catholic Metropolitan of Armagh; Thomas Bray, Roman Catholic Metropolitan of Cashel."

That was a document in answer to the queries of the then Ministers of the Crown, disclosing entirely the state of the Roman Catholic Church in Ireland; and did the present Government, not to talk of their own acts since, pretend to ignore the existence of that Church? Did the hon. and learned Solicitor General mean to state, as a lawyer in this House, with any chance of having his opinion respected out of doors, that the Act of 1846, introduced by the Government of the late right hon. Baronet (Sir Robert Peel)—referring to the usages and discipline of the Roman Catholic Church in Ireland, and authorising the Commissioners to inquire into that usage and that discipline, and compelling Protestant Commissioners blindly to obey what they represented as the usage and discipline—was to be considered as nothing, and that now, in 1851, the Government could come down with this wretched Bill, "this thing of shreds and patches," not a thing honestly believed or fearlessly introduced, but borrowed in pallid terror from every quarter of the House, and say they were not destroying the religious liberties of Ireland. He well remembered the words of the right hon. and learned Master of the Rolls, that the thing must be done in as quiet a manner as possible; and he asked the noble Lord was that insidiousness, or was it not? The hon. and learned Solicitor General had not forgotten the words, or how to act upon them. He had been pressed over and over again by the hon. and learned Member for Dundalk (Mr. M'Cullagh), to say whether the Bill abolished those Bulls and those Rescripts; and the noble Lord had over and over again declared that it was perfectly impossible that the Roman Catholic religion could exist in Ireland, without admitting them. The hon. and learned Solicitor General was asked whether they would be rendered illegal or not; and his answer was, "This does nothing but declare the law as it stood before." Would the noble Lord, or the House of Commons, that had been trying to set right the errors of centuries, adopt a clause on which there was a shadow of doubt whether or not it would paralyse the existence of the religion of 8,000,000 of Her Majesty's subjects? It was the business of that House to make legislation certain, as it was the business of the Judges to make decisions final. It was the business of that House to see that there should be no doubt, and that the Roman Catholics of Ireland, and of every portion of the empire, should enjoy the free exercise of their religious belief. He said the assertion that they were only now declaring the law as it was in 1829 was hastily, inconsiderately, and recklessly made; that there had been an unbroken existence of the Roman Catholic hierarchy in Ireland; that it was essentially a diocesan hierarchy, and not of vicars-apostolic, as in the case with which they professed to deal; and that this clause declared whatever was done by these Roman Catholic bishops illegal, by rendering the source and fountain of the ecclesiastical authority illegal. Was it desirable to do that? What did the noble Lord mean by saying he did not wish to carry it one step beyond the necessity of meeting this so-called aggression? He (Mr. Keogh) agreed with the hon. and learned Member for Midhurst (Mr. Walpole) that the more dignified course was to deal only with the act from which they were smarting; and he would test the sincerity of the noble Lord (Lord John Russell) by asking him to restrict the clause to England, and not to infringe on the liberties of the Roman Catholic Church in Ireland. On the last night of the discussion he took the liberty of moving an Amendment which the House rejected. He suggested that Amendment, not for the purpose of wearying the House, but for the purpose of testing the sincerity of the Government, whose previous declarations he believed it embodied; and for the same purpose he now begged to move that the words "in England" be inserted after the words "unlawful and void."

Amendment proposed in line 24, to add at the end of the clause the words "in England."

Lord JOHN RUSSELL: I expected to hear from the hon. and learned Gentleman that this clause is not founded in law. I have heard hon. and learned Gentlemen on every side of the House support the proposition that the clause is explicit, and lays down correctly the law of England, that that proposition cannot be contravened; and I have listened, I must say in vain, to the hon. and learned Gentleman the Member for Athlone (Mr. Keogh), for any proof that such is not actually the case. The hon. and learned Gentleman has told us, for the third or fourth time, that this Bill is inoperative, but he has not favoured us with any arguments to prove that assertion. Let us consider what is the evil which we propose to remedy. A Rescript or paper has appeared in this country founding an archbishopric of Westminster, and eleven or twelve other sees of bishops—of Southwark, of Birmingham, of Clifton, and various other places. It is affirmed in the preamble, as originally introduced, that

> —"the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended Sees, Provinces, or Dioceses, or Deaneries, is illegal and void."

And in conformity with the Preamble the first clause says, that

> —"the said Brief, Rescript, or Letters Apostolic, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, are, and shall be, and be deemed unlawful and void."

Now, one would expect that the hon. and learned Gentleman would show that the See of Rome has the power and authority to establish an archbishopric and sees of bishops in this country; that what has been done has been in strict conformity with the law of England; and therefore that the assertion contained in this clause, as well as the assertion contained in the preamble, is unfounded, and therefore the Committee ought not to agree to the clause. Has the hon. and learned Gentleman done that? Has he said a single word in support of such a proposition? No, he has not, and therefore I contend that he has not made any argument against this clause. He has raised various arguments with respect to the extension of this clause to Ireland, and as to the effect it might have in Ireland; but the hon. and learned Gentleman has not favoured us with a single argument with respect to that which is the main proposition—that the Rescript which has appeared pretends to found bishoprics without authority, and is a void and unlawful act. Then he asserts there is a great discrepancy between the hon. and learned Member for Midhurst (Mr. Walpole), and the hon. and learned Solicitor General. The hon. and learned Gentleman (Mr. Keogh), or some other hon. Gentleman, asked the hon. and learned Member for Midhurst whether this clause was intended to apply to England; and the hon. and learned Member for Midhurst said, as every one expected, that he intended the clause to apply to England, because it was intended to apply to the Rescript dated the 29th of September last, of which we have heard so much—the clause was expressly made for that Rescript, and professed to declare that Rescript, and all authority under it, illegal and void. Then the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) said, "If this is the effect of the clause, we get into a great contradiction, for we are about to say that it is unlawful for the Pope to establish a bishopric in England; that no such authority is good in law; but that he may in Ireland establish any new bishoprics which he pleases, as witness the Brief the other day by which he pretends to create a bishopric of Ross, so that what is unlawful in England, is good and lawful in Ireland." The hon. and learned Solicitor General said, "By no means; this is not an enactment applying especially to England, but it is a declaration by Parliament, that the attempt to establish sees in England shall be unlawful and void, and therefore, in point of argument, the law being the same for both countries, any court of justice would hold that what is unlawful and void in England, is unlawful and void in Ireland." I have still, therefore, to learn that the hon. and learned Member for Midhurst is at variance with my hon. and learned Friend the Solicitor General, or that he contradicts the statement made by my hon. and learned Friend. The hon. and learned Gentleman the Member for Athlone says, "But if this be the case, the exercise of the Roman Catholic religion is forbidden in Ireland." I do not think he made any way in that argument; neither, as I understood him, could he make any way in proving, that by the present law in Ireland, the Pope (or the See of Rome) may establish bishoprics at any time he likes in that country. The hon. and learned Gentleman began by contradicting the authority of Lalor's case. He did so on an extraordinary ground, that, not being good law, it does not apply to the present case.

MR. KEOGH: I did not say so. I based my argument on this ground, that the preferring to a benefice and giving sentence in divorce, which was Lalor's case, clearly bespoke a special proviso.

LORD JOHN RUSSELL: At all events, the hon. and learned Gentleman said that the exercise of the Roman Catholic religion was forbidden at that time, and that consequently the case did not apply to the present measure. But the fact was that the very statute upon which Lalor was convicted was the statute of Richard II., a statute passed in Roman Catholic times—in times when the Roman Catholic religion was not forbidden, but was universally professed. Therefore, that part of the argument of the hon. and learned Gentleman could not apply to the present case. But, in point of fact, Lalor's case did not refer, as the hon. and learned Gentleman alleged, merely to sentences of divorce and the like, but to various acts of jurisdiction which he was stated to have exercised in virtue of authority from Rome; and the decision in that case was, that all such attempts to exercise jurisdiction by authority from Rome were unlawful and void—the authority of which decision remains to the present day. But then the hon. and learned Gentleman finds in the Charitable Bequests Act what he conceives gives the power to the Roman Catholics in Ireland to establish bishoprics, and to organise that Church in any way they think proper. The hon. and learned Gentleman, and the Committee, will recollect that in all the arguments on this subject, the Government have said that no doubt the Roman Catholic bishops in Ireland, though they do not assume the titles of the sees, do exercise their episcopal functions within the ancient dioceses—that is, that it has never been opposed—never, in any way, interfered with, so long as they do not openly contravene the law of the land, and set the law at defiance, by assuming titles that were forbidden. Now, I am not only stating that that is the case, but that I hope it may remain so. I do not see any reason for interfering with the Roman Catholic bishops in the exercise of their functions. But the Charitable Bequests Act, instead of being, as the hon. and learned Gentleman says, a solemn and public recognition of these powers and authorities, is an Act which, as I have stated upon a former occasion, carefully and sedulously, and as I think skilfully, avoids any such interference. In speaking of the bishops, it does not say "bishops exercising spiritual jurisdiction," "bishops exercising spiritual authority over any diocese," or "Roman Catholic bishops ruling and governing any diocese," as we have heard said in this country; but it says "bishops officiating (not within any diocese, but) within any district;" therefore that bishops officiating within any district may be a bishop of a diocese, a vicar-apostolic, or any bishop having the orders of a Roman Catholic bishop. But there might come a question with respect to certain persons—for example, with respect to a Roman Catholic priest in any district in which he officiates. There might be a question whether there was any authority from a bishop or from Rome, by virtue of which that priest exercised his functions; and that difficulty, if it arose, might cause considerable embarrassment to the Commissioners, because if they were to produce that title before a court of law, that court might say, "This is a title which no Roman Catholic bishop or Roman Catholic priest can assume; and therefore it is a title by which they cannot take this property." But there the Bill most prudently said—if there is any question as to the person who is entitled to receive the benefit of any bequest, that question is to be referred to a Committee, and in the case of the person being a Roman Catholic, that Committee is to consist solely of the Roman Catholic Commissioners. Those Roman Catholic Commissioners, according to the rule of their own Church, will decide who is the person to receive it, and they are to report, not that a certain person is priest of such a parish, not that he is bishop of Limerick or any other diocese, but they report, according to the terms of the Act, who is the person that ought to receive the benefit, according to the intention of the donor; and, therefore, if they say the Right Rev. Dr. Ryan, or the Rev. Mr. O'Connell, or any other person, as the case might be, is to receive the benefit of this bequest, that is sufficient for the Commissioners, and no question with respect to the assumption of an illegal title can come before the public, or the courts of law. Such was the care with which that Bill had been framed—a most useful Bill introduced for most useful purposes, and worked out in a manner to make those useful purposes practically beneficial. I think, therefore, in neither of those points—that with respect to the Lalor case, or the Charitable Bequests Act—has the hon. and learned Gentleman made out that there is any lawful power or authority in the See of Rome to erect bishoprics and to give episcopal jurisdiction and authority. That deals with the whole of what the hon. and learned Gentleman tried to prove. He did not attempt to prove that there was any such authority with respect to England; he did attempt to prove it as regards Ireland. With respect to the practical effect of this Bill, I must say, as, indeed, I have said often before, that I conceive there is hardly any part of it—though it is a Bill for the United Kingdom, and therefore extends to the United Kingdom—which will practically have any effect upon Ireland. With reference to the bishopric of Galway, it would prevent any person assuming such a title. If there is any doubt about any person having any claim to assume the title of Archbishop of Tuam, it would affect him, and make it unlawful to assume that title. But with respect to all other matters, I conceive this Bill will leave the state of Ireland, after it has passed, as nearly as possible what it is at present. With respect to the first clause, it declares that to be law which no lawyer has denied to be law; which even the hon. and learned Gentleman (Mr. Keogh), with his able argument has not denied to be law; and therefore it does not make a new law, but declares that to be law which in Ireland as in England is now the law of the land. With respect to the second clause, it prevents the assumption of new titles which are not now the sees of bishops. But every one knows that the Roman Catholic bishops in Ireland were in the habit of assuming the titles of existing sees, such as Armagh, Dublin, Cork, or Ross—and not the title of a new see, and therefore would not be affected by this clause.

The Bill therefore is, as I think it ought to be, directed to the particular offence which has been given to the Crown, the Parliament, and the nation, and it does not do anything unnecessary for that purpose. On the other hand, if we made it, as the hon. and learned Gentleman proposes, a declaration of law solely as regards England, it would be a proclamation that hereafter that which has not hitherto been the case would be the case—that the Pope might at any time erect new sees in Ireland, and have jurisdiction and authority in Ireland, notwithstanding the prerogative of the Crown, and the independence of this nation. That would amount to a great change of the law, in derogation of the authority of the Crown, and of the independence of this nation; and I trust this House will never sanction any such proceeding. It may suit the purpose of the hon. and learned Gentleman (Mr. Keogh), or of other Gentlemen, to make a great agitation in Ireland, and to proclaim, as I have seen it proclaimed in some resolutions that came from Tuam, that hereafter the bishops would be driven out of Ireland, and that the chapels would be levelled to the ground. These are statements that may impose upon the ignorant people; but every one knows that after this Bill is passed, there will be the same perfect freedom of conscience and the full exercise of the Roman Catholic religion as before. But some Gentlemen get up and say, "After all, we Roman Catholics are the best judges of what is necessary for the Roman Catholic religion." I must say, stop a little. I am quite willing that you should have everything you think proper for the exercise of your religion and the organisation of your Church, provided you do not interfere with others. So long as you choose to have two bishops in England, or four, or eight, or twelve, that is a matter with which I have no concern. Whatever the number which you think necessary to the organisation of your Church, that is a matter in which I did not interfere. But when you come and say you must rule English counties, and English places, you might just as well say, because the Act of 1791 says, that the Roman Catholic priests are free to perform mass, that you cannot perform mass unless you go into Westminster Abbey. Now, I say you are at liberty to perform mass everywhere you please—in any chapel you may think necessary for the purpose; but Westminster Abbey you have no right to, and into Westminster Abbey you shall not come. As to the organisation of your Church, you may organise it as you please, provided you do not interfere with the independence of the nation, and subject it to a foreign Power.

MR. ROCHE said, that if the Bill did not infringe upon the rights of the Irish Church, how was it that Ireland was not excluded from the Bill? He must tell the noble Lord (Lord John Russell) that he failed altogether in answering the legal and logical arguments of the hon. and learned Member for Athlone (Mr. Keogh). What his hon. and learned Friend said was this, that the clause would extend to Ireland, and in doing so, would interfere with the functions of the bishops and clergy of that country; and the noble Lord at the head of the Government merely answered by saying, that under the Charitable Bequests Act they could ascertain who the bishops and parish priests were; but how could that be done if they declared the Rescript to be illegal? As regarded Ireland, the noble Lord was attempting to push back enlightenment and civilisation in that country; he was attempting to interfere with the Roman Catholic Emancipation Act, and therefore it was he (Mr. Roche) and his friends called upon the Committee to except Ireland from this Bill. If there was anything in the world wanted more than another for the development of the resources of Ireland, it was peace and tranquillity. They knew nothing and cared nothing about Popish aggression in that country. Protestants and Roman Catholics were beginning to act together for the development of its resources in a brotherly spirit; and he must say, that the Government, in persisting, merely for the sake of gratifying a vulgar and bigoted party in this country, by including Ireland in that Bill, had done an immense amount of mischief, which, as a Government, they would never be able to remedy. He saw with regret that the Protestants of Ireland had followed the bad example set them by the noble Lord, and had sent petitions to that House against Papal aggression; but the time would come when the Protestant feeling of England, as also the noble Lord opposite, would abandon them, and then they would have nothing to depend upon with respect to the feeling of this country in their favour. The noble Lord had referred to the agitation in Ireland; but he begged to tell the noble Lord that if any evil consequences should arise out of that agitation, he had himself alone to blame for it for not excepting Ireland from the operation of the Bill.

Question put, "That those words be there added."

The Committee divided:—Ayes 39; Noes 84: Majority 45.

List of the AYES.

Anstey, T. C.
Arundel and Surrey, Earl of
Blake, M. J.
Blewitt, R. J.
Corbally, M. E.
Devereux, J. T.
French, F.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Herbert, H. A.
Heywood, J.
Higgins, G. G. O.
Horsman, E.
Keating, R.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Monsell, W.
Moore, G. H.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connor, F.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Power, Dr.
Power, N.
Reynolds, J.
Sadleir, J.
Somers, J. P.
Sullivan, M.
Talbot, J. H.

TELLERS.
Roche, E. B.
Keogh, W.

List of the NOES.

Acland, Sir T. D.
Arbuthnott, hon. H.
Baillie, H. J.
Baring, rt. hon. Sir F. T.
Barrow, W. H.
Bethell, R.
Blair, S.
Brisco, M.
Brotherton, J.
Brown, W.
Buck, L. W.
Chichester, Lord J. L.
Clay, J.
Clay, Sir W.
Clive, hon. R. H.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Damer, hon. Col.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliott, hon. J. E.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Forster, M.
Freestun, Col.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hamilton, G. A.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Heald, J.
Hodgson, W. N.
Hollond, R.
Hotham, Lord
Humphery, Ald.
Inglis, Sir R. H.
Jones, Capt.
Kershaw, J.
Lacy, H. C.
Lennard, T. B.
Lewis, rt. hon. Sir T. F.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
Macnaghten, Sir E.
Maule, rt. hon. F.
Muntz, G. F.
Napier, J.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Palmerston, Visct.
Parker, J.
Plowden, W. H. C.
Rich, H.
Richards, R.
Russell, Lord J.
Somerville, rt. hon. Sir W.
Spooner, R.
Stanton, W. H.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Wakley, T.
Walpole, S. H.
Wawn, J. T.
Whiteside, J.
Williams, J.
Williams, W.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Hill, Lord, M.

MR. KEOGH said, he now proposed to add a proviso to the clause. As the noble Lord at the head of the Government seemed desirous that the Roman Catholics should enjoy their religious liberties as in times past, he hoped the noble Lord would not divide against the proposed proviso, and he could assure the noble Lord that among those religious liberties he did not include the liberty of taking possession of Westminster Abbey.

Amendment proposed—

> "To add, at the end of the Clause, the following proviso:—'Provided, that nothing in this Clause contained shall be construed to interfere with the ecclesiastical or spiritual functions of the Roman Catholic Archbishops and Bishops in the United Kingdom.'"

The ATTORNEY GENERAL said, that the obvious objection to the proviso of the hon. and learned Gentleman was this, that the clause in question did not affect the exercise of the functions of Roman Catholic archbishops and bishops in Ireland, unless their jurisdiction and authority should be exercised in a way incidental to titles illegally assumed. If they did exercise their jurisdiction in a manner which the clause declared to be illegal, it would be manifestly inconsistent to say that they might lawfully exercise a jurisdiction in a way which the clause declared to be unlawful.

MR. KEOGH said, this Amendment was intended to test the sincerity of the noble Lord (Lord John Russell), as it was only by Amendments of this kind that the real truth could be arrived at. The sophism of the objection taken by the hon. and learned Gentleman the Attorney General, was too shallow almost to require any explanation. He must know that there could be no such thing as a Roman Catholic archbishop or bishop, without a Brief, a Rescript, or a Letter Apostolical. He did not know whether the Bill was to apply to this particular Brief, to a few Briefs, or to all Briefs; but he wished to make this provision, that the Roman Catholics of Ireland should not be interfered with. The noble Lord said he did not wish to interfere with that country. Then, if he was sincere, let him insert a clause in the Bill, in his own select and perfect language, to that effect. Let him instruct his law officers to insert a clause to the following effect:—"That nothing in this Bill contained shall be construed to affect the spiritual liberties of the Roman Catholic people of Ireland." He (Mr. Keogh), for one, would support such a clause. The noble Lord had alluded to their seeking probably to have mass said in Westminster Abbey; but he (Mr. Keogh) could remind the noble Lord of a time when he was more awake to the distinction between the religious liberty of Ireland and of England, of a time when he said that nothing would give satisfaction to the people of Ireland—nothing would produce peace to that country—unless a marked distinction was to take place between the Establishment in Ireland and the Establishment in this country. He might remind the noble Lord of a time when he fought for the assertion of that principle, when it was indispensable to overturn the Government, and to change the Administration. Did the noble Lord see nothing in those ancient recollections of his party and his supporters? When they talked of their religious liberty, and their representing 6,000,000 of the people of Ireland, he said they had every liberty except that of taking possession of Westminster Abbey. He did not see why the noble Lord should be so anxious about the Episcopalian Church of Scotland. He did not suppose it numbered 200,000, and yet there was a special clause in the Bill for exempting their bishops from its operation—that nothing in the Act contained should extend to the assumption of titles by that Church; which assumption he (Mr. Keogh) considered would be as illegal as that by a Roman Catholic. The noble Lord, frightened perhaps at the number of pamphlets written on the subject, introduced a clause to prevent any uneasiness being felt by some 100,000 persons; but he refused to give the slightest intimation of his intention to introduce any clause to protect the religious liberties of the millions of Roman Catholics in this country and in the sister kingdom. If the noble Lord refused to affirm the proposition now submitted, the Roman Catholics must form their own opinion of his sincerity from his conduct. If the noble Lord rejected the proposition before the Committee, he (Mr. Keogh) assured him that in every form in which they could construct the language, they would not fail to continue to suggest it.

MR. A. B. HOPE having frequently, with great pleasure, supported the small minority which had so consistently fought against the Bill, felt it his duty now to state why he could not do so on the present occasion. Englishman as he was, and contending as an Englishman, or as a citizen of the kingdom, for religious liberty to all denominations, he could not but think the ground which had been taken by the hon. and learned Member for Athlone (Mr. Keogh) too circumscribed, and, indeed, antagonistic to the free principles of religious liberty. No doubt the Bill was a greater grievance to the Roman Catholics than to persons of any other denomination, because they were the largest body of men aggrieved by it. As a political evil it would press greatly upon them, and they most naturally felt hurt and aggrieved at it. Not being an Irishman himself (although nearly connected with that country, and having a great interest in it), and looking at the matter calmly and dispassionately, he must say that the ground they assumed of its being a grievance to 6,000,000 of the people, was destructive of religious liberty. The religious liberty of 60,000 persons was as dear to them as the religious liberty of 6,000,000. He was glad to see the clause respecting the Scotch Episcopalians, they being members of the same communion as himself. But he was sorry to see the line taken by the Scotch clergy. They condemned the Irish clergy, but said, "Exempt us." The Irish Roman Catholics, in the person of the hon. and learned Member for Athlone, said, "See what you have done for the Scotch Episcopalians, while you leave us, who are so much more numerous, under the penalties of the Act." It seemed to him that both the Scotch Episcopalian and the Roman Catholic erred in the same way. Each was contending for its own, instead of standing up to fight the great and broad battle of religious liberty—liberty to the Irish Roman Catholic, liberty to the English Roman Catholic, liberty to the Scotch Presbyterian, liberty to the Presbyterians of Ireland, liberty to any sect of men who believe there is a God in heaven whom they are bound to serve according to the dictates of their consciences. On this ground it was that he had voted with the Roman Catholic Members, and he would vote with any other Members for the supremacy of religion over Government. But this Amendment had been put on a very different ground from that of religious liberty, and therefore he could not support it.

MR. KEOGH said, nothing was further from his intention than to make his proviso restrictive, and he would alter it so as include the United Kingdom.

MR. C. ANSTEY was surprised that such an Amendment should encounter any opposition. He certainly thought it unnecessary; but as it had been proposed, he should give it his support. If the preamble of the Bill should not be greatly altered, the clause, with or without the Amendment, could not apply to Ireland. He trusted the noble Lord (Lord John Russell) would assent to the introduction of a general clause exempting Ireland altogether, and thereby allay the storm of indignation which had been raised in that country against his legislation. He (Mr. C. Anstey) regretted that the agitation of Irish Members had not been directed solely to the exclusion of Ireland from the Bill. The other night, after he (Mr. C. Anstey) had left the House, the hon. Member for Carlow (Mr. Sadleir) had lectured him upon his temerity, in constantly asserting that the establishment of this hierarchy was contradictory to the wishes of the English Roman Catholic laity and inferior clergy, and quoted a declaration signed by the Earl of Shrewsbury and others. The hon. Member laid great stress, he believed, upon the authority of the Earl of Shrewsbury; and he (Mr. C. Anstey) would recommend to the hon. Member (Mr. Sadleir) the evidence said to be given by the Earl of Shrewsbury, in which it was asserted that this Brief might be attributed to a certain party in the Papal councils. He (Mr. C. Anstey) did not, however, put much faith in such declarations as that referred to by the hon. Member, because he found that the English Roman Catholics had set their names to more than one declaration on more than one occasion, and the sentiments expressed in those declarations had been uniformly contradictory and inconsistent with each other. Therefore, to the declaration alluded to, he attached not the slightest weight. He would draw the attention of the hon. Member to a much more important declaration, every paragraph of which had been formally contradicted by all the subscribers but one. He referred to the memorial of the clergy of Beverley to Cardinal Wiseman, in which they not only protested against the Rescript, but implored his Eminence to use whatever influence he might possess to establish such laws and institutions for their ecclesiastical government as might be in accordance with the free constitution and equitable laws of the country; and they asked that the canon law under this new delegation might consist—first, of civil law; secondly, canon law in spirituals only for the Roman Catholic Church; thirdly, common law; fourthly, a selection from the statute laws of England. They deprecated all spiritual interference with the civil rights of individuals in reference to property, knowing the fatal consequences arising from such interference; they deprecated any more foreign system of ecclesiastical legislation as obnoxious to their feelings, and hateful to the millions around them; and they implored the Cardinal to oppose the establishment of any spiritual court which might be liable to the imputation of such undue influence, such courts being in England held in utter abhorrence. They said that the contemplated restoration of the Roman Catholic hierarchy, unless these points were attended to, would, instead of conducing to the advancement, cause the deep deterioration of the Roman Catholic religion in England. That memorial was agreed to at a district meeting, the dean presiding, and was presented to Cardinal Wiseman. What followed? Every one of the subscribers two or three days afterwards received a circular from the Vicar-General at York, in the following words:—"Reverend Sir—You will peruse the enclosed draft addressed to Cardinal Wiseman, and if you approve it, you will return it to me, signed, by return of post." Only two of the previous memorialists had the hardihood to refuse to sign the address. And what was it? A direct retractation of every sentiment contained in the memorial—an expression of thanks for the services of Cardinal Wiseman, and of their appreciation of the great value of a hierarchy which they had so strongly denounced. One of the two clergymen who refused to stultify himself by signing this address had been not suspended, but replaced in his incumbency. He was sorry to detain the Committee by observations about these declarations; but when he was taunted by hon. Gentlemen with these declarations, then he was justified in stating the manner in which they were brought about. The hon. and learned Member for Tipperary (Mr. Scully) asked him the other night what authority he had for his statement about these documents, and he answered him that one authority was the hon. and learned Gentleman's own knowledge. He had then an impression that the hon. and learned Gentleman had signed one of the documents in question. In 1837 the late Pope put forth a document, in which, instead of constituting a hierarchy and conferring titles, as the present Pope had done, he referred to the clergy themselves the duty of settling a form of government for themselves, premising beforehand that he would ratify their decision; and this document was postponed by the sacred college, because they wished to be informed whether it would be objected to by the English Government; and, secondly, whether it would be *sub lege dicta præmunire*, the election of the prelates to be left to the priests themselves? The clergy accepted this document with cheerful alacrity; but it was not enacted at Rome, because the bishops, represented by their then agent at Rome, Dr. Wiseman, objected to it as diminishing too much the authority of the bishops. Then the Roman Catholics of this country presented a petition to Rome, offering to support the Pope against the bishops, and the hon. and learned Gentleman the Member for Tipperary signed that petition.

The EARL of ARUNDEL AND SURREY: I wish to ask the hon. and learned Member for Youghal, does he address the House as Catholic or not? ["Order, order!"]

MR. C. ANSTEY: If the noble Lord was in order in putting the question, I am in order in answering it. I should be sorry to retaliate upon the noble Lord, or to commit the unpardonable insolence of putting such a question to any Gentleman as the noble Lord has put to me. But, as the noble Lord expects an answer, I beg to tell him that I am to the full as good a Catholic as he.

The EARL of ARUNDEL AND SURREY said, that was all he wanted. He thought it a fair question to put when an hon. Member got up among Catholic Members and expressed sentiments contrary to Catholic feelings. If the hon. and learned Member were a Catholic, and he did not now mean to doubt it, he must know how a Catholic could change his mind. He remembered a speech in which the hon. and learned Member for Youghal arraigned for five hours the administration of foreign affairs by the noble Lord (Viscount Palmerston); and yet last Session the hon. and learned Member voted for the Motion of the hon. and learned Member for Sheffield (Mr. Roebuck), approving the policy of that noble Lord. He knew nothing of the paper read by the hon. and learned Member as having been agreed to by the clergy of Beverley; but he presumed that on further consideration those rev. gentlemen had thought better of the matter. But however that might be, there were among English Catholics, as among every other body, always one or two of those discontented persons who opposed the discipline which the head of the Church, in his wisdom, thought it right to impose.

MR. NAPIER said, that the hon. and learned Gentleman (Mr. C. Anstey) was about to vote for the Amendment on the ground that the Act of 1791 produced in Ireland a state of the law different to that in England. He (Mr. Napier) could give a complete contradiction to that idea. There was no difference whatever in the law with regard to this question. He complained of the attempts made to mislead the people of Ireland with respect to the Bill before the House, which was simply a defensive one, not levied against the Roman Catholic religion at all but against Ultramontanism. The appointment of Dr. Cullen was the first instance on record of the Pope carrying the ultramontane principle so far, and of doing an act at variance with the laws and constitution of the realm. The Bill had nothing to do with the discipline of the Church of Rome: it was levied only against overtacts. The Bill was, no doubt, a declaratory one, and its object was simply to say, whether or not the Rescript of the Pope was consistent with the laws and constitution of the land. It was no question of theology at all, but a great constitutional question; and the clause, as it was amended by the hon. and learned Member for Midhurst (Mr. Walpole), stated that, being contrary to the law and constitution of the country, the Rescript was unlawful and void. He (Mr. Napier) believed that it was unlawful; and if that were so, how could it be unlawful in England, and not unlawful in Ireland? It was making a lawful Irish Bull out of an unlawful English Bull. This being the object of the Bill, if any unpleasant consequences should arise to any body, who was to blame? There had been of late a softening of the asperities of controversy with respect to Rome; but if that was now obliterated, and agitation had again lighted up the country, who was to blame? They were asked to say in this clause whether or not the Rescript was a lawful or an unlawful document. In his opinion it was unlawful; but he was asked by the Amendment to say also, that although it might be true that it was unlawful in England, it should at the same time be lawful in Ireland. That was a conclusion utterly at variance with reason and common sense, and he believed the Committee would not adopt it.

MR. C. ANSTEY said, the difference between the operation of a Bill of this kind in Ireland and England was this, that a Bull relating to the hierarchy in Ireland was legal, although it might not be legal in England, because under the Roman Catholic Relief Act a hierarchy was tolerated in Ireland.

MR. MILNER GIBSON admitted there would certainly have been a stronger case had the proposal of the hon. and learned Member for Athlone (Mr. Keogh) remained a proviso applying only to Ireland instead of to the whole of the United Kingdom; though he (Mr. Gibson) preferred taking it generally. When, however, they considered the monstrous injustice of forcing on the people of Ireland a Church which was of no use to them, and then saying by an Act of Parliament that they should not maintain a Church of their own, but that they should be subjected to every species of insult and oppression, he must say it made one anxious to include Ireland most especially in the proviso. They forced a great bench of bishops of the Established Church upon a Roman Catholic people, and then they brought in a Bill to say that that Roman Catholic people should not maintain their own bishops by their own contributions as a non-established community, and should not give them those titles which they believed would tend to make them most respected and useful, and so would raise the Roman Catholic Church in that country. There was something so palpably unjust in the whole proceeding, something that so violated the very principles of justice, that he could hardly condescend to enter into the details of this clause. But what was this clause? It said, if he understood the hon. and learned Solicitor General rightly, that the Rescript or Bull of the Pope was unlawful and void, because that was notoriously contrary to law; but if that was so notoriously the law, why it should be necessary to declare the law by an Act of Parliament did not appear to him to be quite so obvious, unless, indeed, it was some old and obsolete law which was attempted to be revived. The noble Lord (Lord John Russell) had talked in his speech about the assumption of titles; but there was not a word about that in this clause, which declared only that acts done under the authority of bulls were illegal and void. He (Mr. Gibson) wished therefore to know whether the ordination of priests by a Roman Catholic bishop, who, whatever he might be called, was himself a Roman Catholic bishop by virtue of a bull from Rome, was valid or not? If not, then he wanted to ask the hon. and learned Solicitor General (as he was a man that understood Church matters) if the Established Church of this country was to go on recognising as valid ordinations by bishops who were bishops in virtue of a void and illegal instrument from Rome? That, it appeared to him (Mr. Gibson), was a point upon which they required further explanation. The noble Lord (Lord John Russell), in his opening speech, stated clearly that there were bulls necessary for carrying on the local arrangements of the Roman Catholics. The noble Lord mentioned certain bulls respecting marriages and some other matters, which would all come under some bull; he said he would not prosecute under the ancient statute for this purpose, and quoted a passage from Jeremy Taylor:—

> "As long as the law is obligatory, so long our obedience is due, and he that begins a contrary custom, without reason, sins; but he that breaks the law when the custom is entered and fixed is excused, because it is supposed the legislative power consents, whereby not punishing, it suffers disobedience to grow to custom."

Now, he maintained that they had given the Roman Catholics leave, by disusing it, to break this old law. Were they now going to give fresh life and vigour to the old law? would they do so without providing what they professed ought to be provided against, namely, proceedings by common informers against Roman Catholic bishops? If they passed this clause as it now stood, it appeared to him that they ought, by way of precaution, to link with it a provision that no indictment should take place without the consent of the Attorney General. If he understood the matter rightly, in this clause they declared by statute that certain things were illegal and void, and thereby they constituted those acts misdemeanours; and thus it would be competent for any person to take proceedings, or to prosecute, with a view to fine and imprisonment, any person guilty of these acts. He considered, therefore, considering what had taken place, that there was much danger of prosecutions by common informers, because there was no denying the fact that one great party had been actuated in giving their support to the measure by a wish to interfere with the Roman Catholic religion. He hoped the hon. and learned Solicitor General, if he would condescend to reply to an unlearned Member, would give him an answer. He did not want that shabby answer, namely, that the clause left the law as it stood before. He did not want to know what was the law; and he felt sure that what he had advanced, whatever lawyers might think of it, was not contrary to common sense. The present movement was dictated by the old "No-Popery" cry, and by a wish only to persecute the Roman Catholic religion.

SIR H. W. BARRON thought that nothing could be more preposterous than to attempt to justify the present Bill, on the plea that it would not alter the statute law with respect to the assumption of ecclesiastical titles by Catholic prelates. The statute law in that behalf had been systematically violated, not only with the privity, but with the consent, of a succession of Governments from the days of Pitt to the present time; and although the statute still remained unrepealed by any subsequent Act of Parliament, that systematic and public violation of its provisions was tantamount to a virtual abrogation of the law. And so universally was it so regarded by society, that no Government would dare to ask any judge or any jury, who had the least respect for their characters, to convict any Catholic ecclesiastic under an Act of Parliament which had fallen so hopelessly into desuetude and contempt. The old law might still be found in the Statute-book; but to all practical intents and purposes it was as completely defunct as if it had been formally repealed. Disguise it as they might, the present Bill was not the revival of an old law, but rather the enactment of a new one; and the Government might take his word for it that it was in this light that it would be regarded throughout the whole length and breadth of the land, not only by its opponents, but even by its most enthusiastic advocates. It had been introduced under a false pretence—and the Government in proposing it were playing a double game; but they might depend upon it that the public out of doors would understand their purpose, and correctly appreciate their motives. The Bill had been brought in to divide the opponents of the Government, and to create discord amongst men who on general questions would (were it not for this Bill) have offered a united, and probably a too effective, antagonism to the Government. At the bottom of all these proceedings might be discovered the desire of the Government to weaken their adversaries by shattering them into minute sections. The meaning of the noble Lord at the head of the Government in writing his notorious Durham letter was to prevent the loss of office to himself and his Colleagues. It was thus he reasoned with himself:—"Our power is crumbling away from us—the day of our dissolution is approaching; our only chance of keeping our ground and retaining our office is to throw the elements of discord into the enemy's camp, and thus deprive of the power of mischief those adversaries whose united hostility might otherwise be fatal to us." Now, he put it to the Committee—he put it to the sensible and enlightened people of England—whether they would lend themselves to a device so paltry, so contemptible. Was the odious spirit of theological rancour to be evoked—was class to be set against class—was bigotry to be cherished and intolerance to be promoted throughout the land—was the progress of improvement to be stayed, and the course of salutary legislation to be impeded for no worthier object than this, that the noble Lord and his Colleagues might be enabled to retain their seats on the Treasury bench? It was quite absurd to say that the late proceedings of the Pope were an usurpation of the Queen's prerogative, for the Sovereigns of England had never—certainly not since the Revolution—exercised the appointment of Roman Catholic archbishops or bishops. All that the Pope had done had been to regulate the spiritual superintendence of the Roman Catholics in this country; he had not attempted to usurp for the Roman Catholic prelates either territorial jurisdiction, or money payments, or glebe lands, or churches, or seats in the House of Lords; not a single Protestant right or possession of any sort or kind had been invaded. All that the Roman Catholic subjects of Her Majesty required was to exercise their religion, under their spiritual heads, freely, as free-born men in a free land. What would the Protestant subjects of Her Majesty say were the Roman Catholics to declare that there should be no Protestant bishops? If the majority in Parliament wanted to abrogate the Roman Catholic religion, let them put forward that intention openly and broadly, and not seek to effect it in this underhand manner, degrading alike to all parties. It was a mockery —it was an intolerable indignity to common sense, to say that any man in this country had suffered either in purse or person by the Papal Rescript. No man had lost a farthing from his revenue, or a feather from his dignity, or one iota from his independence, by that Rescript; and the day would come when this truth would be perceived and acknowledged by every man of common candour and common intelligence in the empire. His great objection to this measure, he would again repeat, was, that it had been brought forward with duplicity and in a deceptive spirit, and that the true purpose which the Government had in view was cloaked under an insincere pretext. Let men honestly avow what their real object was, and let them not adopt a course so unworthy of the character of the British Senate as to attempt to carry their purpose by a shabby side-wind. He said, the recent steps taken by the Pope of Rome with regard to the Roman Catholic Church in England had met with the sanction of the great majority of the Roman Catholics of this country, because they had placed the Church in this country on the same footing on which she stood in most of the countries of Europe and America. He denied it was any aggression or insult; but when they talked of insult, he begged them to remember the Diplomatic Relations Bill, which, by refusing to an ecclesiastical Power the right of being represented in this country by an ecclesiastic, amounted to a gross insult to that Power.

Captain TAYLOR said, that not having had the opportunity of addressing the House upon the second reading of the Bill, he was desirous of stating that he was anxious that the House should record its strong disapprobation of what had been termed the Papal aggression, and repel it in the most vigorous manner. But he must say he did not think the Bill did that. At the close of last autumn, he, in common with many others, was misled by the letter of the noble Lord (Lord John Russell) to the Bishop of Durham, into the belief that immediately upon the meeting of Parliament some measure would be proposed in accordance with that letter; but he confessed that he was grievously disappointed when he read the details of the Ecclesiastical Titles Assumption Bill, and saw how meagre, weak, and ineffective its clauses were. He would vote for the Bill, because it went in the right direction; but he thought the course proposed by certain individuals would have been preferable, namely, that they should have passed a Resolution of the House, declatory of their opinion, and then proceeded by a Committee to inquire into the state of our relations with Rome, and how the present evils might best be remedied. He was the more inclined to that course after seeing how much opinions varied, and how widely even the law officers of the Crown differed as to the state of the law.

Mr. REYNOLDS had hoped, from the tone of an article in that morning's impression of that widely-circulated journal, the *Times*, which he looked upon in the light of a semi-official organ of the Government, that they were about, if not to abandon, at all events to postpone the consideration of this clause, in order that doctors might have time to arrange their differences; but the noble Lord had that evening announced his intention to proceed with the clause. He (Mr. Reynolds) was not disposed to make use of any severe language against the majority who persisted in supporting the Government, because he knew they were driven to the course they were adopting, and that they were talking and voting, not in accordance with their own views, but in deference to the prejudices of their constituents, and under the apprehension of losing their seats if they did not please those who sent them there. The hon. Baronet the Defender of the Faith for the borough of Marylebone (Sir B. Hall) had suggested, having possibly had a whisper from the Treasury bench, that there should be morning sittings, with the view of disposing of this Bill; and he said that at present all the important business of the country was in a state of abeyance. That was a bold, if not an audacious proposition; and he (Mr. Reynolds) would ask, what important business had the Government to bring forward? Had they proposed any measure for the extension of the Parliamentary franchise in England and Scotland? No, they had postponed the subject until next year, when they hoped that it would serve as a makeweight in their appeal to the country. Had they proposed to relieve the people of this country from the intolerable pressure of indirect taxation? [Mr. Wawn, who was seated behind the hon. Member: Question, question!] He should be much obliged to the hon. Member for South Shields if he would sit upon his own side of the House, and then, if he interrupted him, he could ask the Chairman to call the hon. Member to order. They had no notice upon the paper of any intention to relieve the professional man from the burden of the income tax. He should be glad to know, then, what measure of national importance Her Majesty's Ministers had upon the notice paper, for he said there was not one? [MR. WAWN: Question, question!] He did hope that the hon. Member for South Shields would conduct himself with sober propriety in that House. Why was the proposal for morning sittings made? Because on Saturday night they were occupied in discussing two Motions. [*Laughter.*] He meant on Friday night.

MR. WAWN: I rise to order, Sir. I want to know whether the hon. Member for the city of Dublin is to speak truth or falsehood in this House? [*Loud cries of* "Order!"]

The CHAIRMAN: The hon. Member for South Shields has made use of words which are clearly disorderly.

MR. WAWN: I beg pardon of the House if I have said anything disorderly; but I want to ask you, Sir, or any Member of the House, what we did on Saturday night?

MR. REYNOLDS resumed. It had often been said that a child might ask a question that might puzzle a philosopher to answer. He dared to say it would be almost impossible to ask the Chairman a question that would puzzle him more than—What were hon. Members doing on Saturday night? He was referring, when he was interrupted, to the Motion of the hon. Member for Finsbury (Mr. T. Duncombe), and that of the hon. and learned Member for Abingdon (Sir Frederic Thesiger); and he thought it was a most unreasonable thing to censure the Irish Members for taking up the time of the Committee which they did not occupy. This was a life or death question to them. There was involved in it this most important ingredient—Were they to have—he would not say happy homes—for by their ill-directed legislation they had put an end to happy homes in Ireland—but free altars? The noble Lord at the head of the Government had said this Bill would not do the Irish people the least mischief. If the noble Lord was serious, how was he to satisfy the defenders of the faith on that (Mr. Reynolds') side of the House? If the noble Lord meant only to re-enact the 24th section of the Act of 1829, he was passing bad coin on the Protestant ascendancy Members of that House. He (Mr. Reynolds) wanted to ask the noble Lord this question—but the noble Lord was probably tired of answering questions, and he (Mr. Reynolds) imagined he looked upon the Irish Members as living notes of interrogation—did the noble Lord intend that this Bill in all its integrity should extend to Ireland? The hon. and learned Solicitor General said in terms it did not extend to Ireland; but the construction of the clause by an Irish Judge would extend it to Ireland, and there was no necessity to extend it to Ireland by that declaratory resolution. He had stated before in that House, and he would repeat it, that if they passed that Bill, no matter whether in its present shape or in any other shape, imposing pains and penalties on the Roman Catholic hierarchy and people of Roman Catholic Ireland, it would be a dead letter. They would not have the power of carrying it into effect. Now, he would refer to some acts of the noble Lord's political life, and ask him how he reconciled his present insulting, bigoted, and atrocious legislation with his former acts as regarded Ireland? He (Mr. Reynolds) held in his hand a speech made by the noble Lord in that House in 1835, on the debate on the Appropriation Clause. Was the noble Lord now the same Lord John Russell that he was in that day? If he was, he had undergone an extraordinary metamorphosis. The noble Lord made a most eloquent speech on that occasion, and he always spoke eloquently, except on Papal aggression. The truth was, that that was uphill work with the noble Lord, and he was scarcely able to get through it, and certainly his Colleagues had not assisted him much. The noble Lord, according to *Hansard*, asked triumphantly on that occasion if the House was prepared to appropriate 791,721*l.* per annum, in the shape of tithes and other ecclesiastical dues, to the support of 750,000 Protestants? And he added, that from the best computation he had seen, and he believed it was not exaggerated one way or the other, the entire number of Protestants belonging to the Established Church in Ireland, could hardly be stated as higher than 750,000, and of those 400,000 were resident in the ecclesiastical province of Armagh. The noble Lord went on to state that, in the dioceses of Ardfert, Down, Dromore, Kildare, Kilfenora, Killaloe, Leighlin, Lismore, Meath, and

Waterford, the number of Protestants amounted to 166,492; the Catholics to 1,732,452; the Presbyterians to 162,184; and other Protestant Dissenters to 6,430. According to the noble Lord, in Ardfert the Protestants only formed one forty-first part of the population; in Down, one-eighth; in Lismore, one twenty-seventh; in Waterford, one-ninth; in Killaloe, one-nineteenth; and in Dromore, one-fourth. The noble Lord ended with a Motion that the House resolve itself into a Committee of the whole House, to consider the temporalities of the Church of Ireland. Now, thereby hung a tale. The noble Lord carried that clause, the Ministry were dislodged, their Appropriation Clause was in "the tomb of all the Capulets," the Protestant Church of Ireland remained in all its temporal integrity, the noble Lord was now the Prime Minister of this country; and he never, from the period that he resumed his seat on the Treasury bench until this hour, even whispered a word about the Irish Protestant Church, except to strengthen its temporalities. And what did he now? He came forward with a Bill called the Ecclesiastical Titles Assumption Bill, under which a Catholic archbishop or bishop might be sent to a felon's gaol. That was the noble Lord's Appropriation Clause. Why, it was enough to make the blood boil in the veins of an Irish Roman Catholic. He (Mr. Reynolds) appealed to the English Members of Parliament, whether Protestants or Dissenters, how they would like to be treated as the Roman Catholics in Ireland had been treated? But he would remind the Committee that there was a famine abroad in Ireland. His countrymen and countrywomen were dying at the rate of 2,000 a week, for want of the common necessaries of life; and the remedy applied to all those grievances was this insulting atrocious Bill. Why was the Protestant Church established in England? Because the majority of the people were Protestants. The Presbyterian Church was established in Scotland for the same reason. But the Established Church of Ireland was established there for a reason diametrically opposite. Now, the people of Ireland were told that they must submit to this act of penal legislation; and if they complained they would get something which he (Mr. Reynolds) would not name, they would get some English Member of Parliament, remarkable for his bump of self-esteem to such an extent as to neutralise all his other qualities, who would say to the Irish Members, if he had any more of their talk, they should have morning sittings. But the Irish Members could sit by day and talk too; and let that system be commenced, and he would be glad to know who would be tired first. Although the Irish Members were few in number, they were not disheartened; they were banded together, for an honest purpose. He had thought of referring to the hon. and learned Member for Youghal (Mr. Anstey), but hesitated to do so lest it would be doing that hon. and learned Gentleman any good.

Mr. WAWN: Question, question!

Mr. LAWLESS rose to order, and said, that though it was true the party endeavouring to conduct the opposition to this Bill was numerically small, he must appeal to hon. Gentlemen whether it was fair to interrupt the hon. Member for the city of Dublin. He considered that the hon. Member for South Shields had repeatedly interrupted that hon. Gentleman in a way that was disorderly.

Mr. WAWN said, he had not interrupted the hon. Member for the city of Dublin at any time when he was speaking to the question. If the hon. Member would confine himself to the subject before the Committee, he (Mr. Wawn) would no longer call "Question!" but so long as the hon. Member wandered away from the subject before the Committee into a variety of irrelevant topics, he (Mr. Wawn) would avail himself of his privilege, and call the hon. Member to order.

Mr. REYNOLDS said, it was rather too bad that, when endeavouring to plead the cause of his creed and country, he was to receive those interruptions; the only excuse he could make for the hon. Member (Mr. Wawn) was, that he was not perfectly conscious of what he was doing. [*Loud cries of* "Order!"]

Mr. WAWN rose to order. He wished to know whether it was right in any hon. Gentleman to hold language calculated to intimidate him (Mr. Wawn) in the discharge of his duty?

Mr. REYNOLDS resumed: He was referring to the hon. and learned Member for Youghal (Mr. Anstey), and he charged that hon. and learned Gentleman with bearing false witness against his (Mr. Reynolds') creed. He should not allow him or any other hon. Member to do that with perfect impunity. But the hon. and learned Member was cheered. No one ever interrupted him when he was calumniating his creed. The hon. and learned Member reminded him (Mr. Reynolds), on that and many other occasions on which he had addressed the House on this question, of a passage in the poetry of Moore, who, in speaking of the representatives of Ireland, not always her sons, said—

> Unprised are her sons till they learn to betray;
> Undistinguished they live if they shame not their sires;
> And the torch that should light them through dignity's way
> Must be caught from the pile where their country expires."

He believed the hon. and learned Member for Youghal (Mr. Anstey) was not an Irishman—he thanked God for it. [An Hon. MEMBER: He is not an Englishman either.] He was reminded too that he was not an Englishman. He (Mr. Reynolds) would call him the disowned. But he deeply regretted the hon. and learned Gentleman was an Irish representative, and the representative of a Catholic community; and the gratitude he exhibited towards his constituents was to strike a blow against their religious liberty, and to slander and calumniate them in the Senate of the nation. This Bill had been four months before the House, and yet they had not passed one clause of five lines. The men who proposed it knew that the clause would not work. They knew their declarations and that clause were incompatible. He trusted they should hear no more of morning sittings. The Irish Members were not desirous of unnecessarily wasting the time of the Committee, but they were there to guard their country and the Roman Catholics of the United Kingdom against this infliction.

The MARQUESS of GRANBY said, it was not his intention to follow the hon. Member for the city of Dublin through his very discursive speech; but he was anxious that the country should know what was true, and what was false. Nothing could be further from his wish than in any way to interfere in the slightest degree with the religion of the Roman Catholics, or of any other sect in the country; but he thought that in the Brief which the Pope issued in September last the Committee might learn what were the intentions of the Pope and the Propaganda of Rome. It had been said there was no intention on the part of the Pope to encroach on the Church of England. Now, the Brief of the Pope itself would show what was his intention in issuing it, and he begged to call their particular attention to the following passage from that document:—

> "And we decree that these, our Letters Apostolical, shall never at any time be objected against or impugned, on pretence either of omission or of addition, or defect either of our intention, or any other whatsoever; but shall always be valid and in force, and shall take effect in all particulars, and be inviolably observed; all general or special enactments notwithstanding, whether apostolic or issued in synodal, provincial, and universal councils; notwithstanding, also, all rights and privileges of the ancient sees of England, and of the missions, and of the apostolic vicariates subsequently there established, and of all Churches whatsoever, and pious places, whether established by oath or by apostolic confirmation, or by any other security whatsoever."

He asked the hon. Member for the city of Dublin, if the intention of these words was not to set aside the Church of England, what they meant? The Brief then proceeded:—

> "For all these things, in as far as they contravene the foregoing enactments, although a special mention of them may be necessary for their repeal, or some other form, however particular, necessary to be observed, we expressly annul and repeal. Moreover, we decree that if, in any other manner, any other attempt shall be made by any person, or by any authority, knowingly or ignorantly, to set aside these enactments, such attempt shall be null and void."

He asked every Roman Catholic in that House if those words did not allude to the Established Church?

MR. MOORE said, before the Committee went to a division, he wished to call the attention of the hon. and learned Member for Youghal (Mr. Anstey) to a passage in a book purported to have been written by him, and dedicated to "C. Meyler, by Divine Providence Bishop of Pella, and Vicar Apostolic of the Western District of England." The hon. and learned Member's speech of that evening consisted of a gross and violent attack on what he conceived to be the ultramontane spirit of English and Irish Catholics in the present day, and of that party which was supposed now to preside over the councils of the Church of Rome. Now, in a series of lectures—the hon. and learned Gentleman's speeches were generally lectures—formerly delivered by the hon. and learned Member, and afterwards dedicated to the Vicar Apostolic of the Western District of England, there was the following passage:—

> "The ridiculous endeavour lately made by a small Parliamentary faction, not without countenance and support from some of the less instructed amongst their Catholic opponents, to revive the

stupid and unmeaning clamour of other days against sincere, or, as they term them, ultramontane Catholics, by your Lordship and your brethren in the episcopate, will be estimated at their proper value. I am happy to think that this notion, so far from being shared in, or connived at, is altogether denied and condemned by the highest ecclesiastical authority within the ancient kingdom of Wessex."

Mr. C. ANSTEY, in explanation, said, that the hon. Gentleman had drawn his attention to a passage in the preface to a book he was pecuniarily unfortunate in having published some years ago, and which so far from being in contradiction to anything he had said in that House, or any vote he had given, contained, by implication, at least, the very enunciation of the grounds on which he opposed the attempt which had been made to set up a little popedom in this country. He had never used the word ultramontane in the debate; if he had done so in the sense referred to by the hon. Member (Mr. Moore), he should have avowed himself of ultramontane opinions. He looked upon the system now sought to be introduced as the vilest and most contemptible offshoot of Gallicanism that could be conceived. The Church of Rome was a Papal and not an episcopal Church, and all the recent interferences with the rights of the clergy and the laity had originated, not from the Pope, but from those about him, who desired to set up a bastardised episcopacy in this country. If this Bill did not pass, there would be no protection for Catholic bequests for charitable purposes, and the Catholic clergy and laity of this country would be exposed to the absolute control of Cardinal Wiseman, from whose tyranny they had already suffered so much and so grievously.

Mr. MOORE thought public opinion was beginning to understand that that House was not deliberating. They were a body of candidates on the hustings, voting not for the clause but for their own elections. How many of them knew what they were going to vote about at present? Not one-third—["Oh, oh!"]—and, what was more, they did not care. ["Divide, divide!"] As the Committee would not hear him, he should move that the Chairman report progress.

Lord JOHN RUSSELL must say he thought the Committee had listened with very remarkable attention, though, if the discussion had been confined to the merits of the Amendment proposed by the hon. and learned Gentleman (Mr. Keogh), or even to the general merits of the clause, or perhaps he might say even to the general merits of the Bill itself, there would have been nothing extraordinary in the patience with which they had listened to it; but, considering that many hon. Gentlemen had thought fit to talk for more than an hour in discussing every other question than that before them, he thought the patience of the Committee had been remarkable; and, therefore, he could not think it reasonable that the hon. Member should cut short the discussion; nor could he agree to waste time by consenting to the Motion for reporting progress.

Mr. MILNER GIBSON asked what would be the effect of the clause. The law officers of the Crown had stated, as he understood, that the Bull referred to in the clause was illegal because all Bulls were illegal, and that it was necessary to declare afresh that by the law all Bulls were illegal. That being the case, inasmuch as a Roman Catholic bishop could only ordain a priest by virtue of his office of bishop, conferred by the Bull, such ordination was declared by this Bill to be a misdemeanour, and, as he understood it, any person might commence proceedings as for a misdemeanour against the bishop for ordaining under such circumstances. He wished to know whether he was right in this view of the clause?

The ATTORNEY GENERAL said, the question was somewhat complicated, but, as he understood the right hon. Member, it proceeded on the assumption that some one said all Bulls were unlawful. That might certainly be, inasmuch as the statute of Elizabeth had recently been referred to in an Act of Parliament which had not repealed that statute, though it had repealed the penalties for high treason which it had inflicted. But the Bill before the House did not declare all Bulls to be unlawful and void, but was confined to Bulls and Rescripts creating dioceses and sees with territorial titles, and declared them illegal and void. The misdemeanour was not created by the first, but by the second clause, which also imposed the penalty.

The Earl of ARUNDEL and SURREY said, that the clause declared all authority conferred by the Brief was illegal; any one who did an act under it was liable to be prosecuted by whoever liked. That was an interference with the exercise of religion, because they could not have a bishop without a Brief, and the vicars-apostolic were abolished. The Brief did not confer any title at all. The titles were conferred by a separate instrument the House had not yet seen. The mischiefs of the clause were at variance with the assurance of Government, that they would not interfere with religious liberty.

The CHAIRMAN wished to know if the hon. Member for Mayo (Mr. Moore) withdrew his Motion for reporting progress?

Mr. MOORE replied, he not yet done so. He moved it because the Committee had not allowed him to proceed, though he had not spoken before. He would not now detain them very long, but wished to say a few words with respect to public opinion on this Bill. He wished to read only two or three lines published in the leading article of the paper which the hon. Member for the city of Dublin (Mr. Reynolds) had called the "semi-official organ of Government," the *Times* of that morning. The *Times* had been the very earliest in taking up the act of the Pope, and had been the most active in endeavouring to forward the Bill. He believed that journal truly represented public opinion in this country; but what he said was that public opinion did not authorise the House in the reckless way in which they endeavoured to force this Bill on the country. The article to which he referred contained the following passages:—

> "The 26th of May finds the question very much in the same position as the 1st, except that it has become more and more manifest that the lawyers do not understand the law, and that there is some danger, amid blunders, concessions, and all sorts of crooked and tortuous policy, that the House may succeed in creating a monster whose future action shall be something quite different from what was foreseen, intended, or desired. . . . . Whatever, therefore, may be the case in England, it is not true that in Ireland such rescripts are illegal and void. Their validity has been thus upheld in every court of justice in the country. This point would have been fairly raised had the proposition to take the preamble first been acceded to; and as, till it be settled, no legislation can be safe, we sincerely trust that it will be attended to before the first clause be passed into a law. . . . . . . Till something can be done towards arriving at an accurate knowledge of the present state of the law, it is vain to hope for satisfactory legislation. The Bill was read a second time without an agreement in principle; it is now passing through Committee without either agreement or knowledge of the law; and the success or failure of its provisions seems entrusted, in the abeyance of diligence and default of acumen, to blind chance and fortuitous combination."

He believed that to be true. He believed public opinion condemned the course which Members were pursuing in passing clause after clause— ["Oh, oh!" *and laughter.*] He meant to say in rejecting Amendment after Amendment, without knowing the purport of them. He believed that at least one-third of the Members then present did not know what the Amendment was on which they were about to vote. However earnest the public might be for legislation, it condemned such conduct as that. He would withdraw his Motion for reporting progress.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 59; Noes 344: Majority 285.

List of the Ayes.

Aglionby, H. A.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Blewitt, R. J.
Burke, Sir T. J.
Castlereagh, Visct.
Clements, hon. C. S.
Corbally, M. E.
Devereux, J. T.
Fagan, J.
Fox, R. M.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Herbert, H. A.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Howard, Sir R.
Hutchins, E. J.
Keating, R.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Oswald, A.
Pechell, Sir G. B.
Power, Dr.
Power, N.
Pusey, P.
Reynolds, J.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Scully, F.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Towneley, J.
Trelawny, J. S.
Young, Sir J.

TELLERS.
Keogh, W.
Moore, G. H.

Mr. J. O'CONNELL suggested that, if the Government were sincere in saying that they had no intention of interfering with purely spiritual acts, they should bring forward some form of words that would distinctly declare that intention.

Sir GEORGE GREY said, that there could be no interference by the Bill with purely spiritual functions. The object of the Bill was to declare that the assumption of authority by the Pope of Rome over the territory of England was illegal; but it was impossible that it could interfere with the doctrines of the Roman Catholic Church.

The CHAIRMAN: The question I now

have to propose is, "That the Clause stand part of the Bill."

MR. SADLEIR said, he would test the sincerity of the right hon. Baronet the Home Secretary by the proposal he was about to make. The noble Lord (Lord John Russell) had altogether avoided touching the question which his hon. and learned Friend (Mr. Keogh) had raised. They had been told by the hon. and learned Attorney General, in answer to the right hon. Member for Manchester (M. M. Gibson), that there were some Bulls that were illegal, and that there were other Bulls or Rescripts that were lawful. Would the hon. and learned Gentleman follow up that explanation for the benefit of him (Mr. Sadleir) and other Members who were not "learned," by telling them which were the Bulls which were lawful, and which were not lawful? Knowing that the Roman Catholic bishops derived all their authority from these documents from Rome, and knowing, as he did, that there would be every disposition to test the legality of those documents in the courts of common law in that country, he participated with many in very serious apprehensions that most disastrous consequences would flow from legislation on this dangerous subject. The Government shrank from stating clearly and intelligibly what the law was. The hon. and learned Attorney General had entirely omitted to answer the question of the right hon. Member for Manchester in the spirit in which that question had been put. There had been much quibbling with respect to the Charitable Bequests Act; and he had heard an hon. Gentleman, when commenting upon that Act, say that it had been framed with great skill and caution, and probably that the archbishops and bishops might be vicars-apostolic. That was not so. In Ireland there had never been districts: from the first they had been dioceses, and the ancient Roman Catholic hierarchy had never been destroyed. He wished now to test the sincerity of the Government in those professions they had made of their anxiety to leave the Roman Catholics of the United Kingdom in the full enjoyment of their religion, and of all the usages and discipline of their Church. He was anxious that there should be no doubt or difficulty upon this point. But serious doubts were entertained. It might be that the law officers of the Crown did not feel these doubts and difficulties which other Members had sincerely felt; but eminent members of their own profession had serious doubts, and had expressed their opinion, that if this clause passed in its present form, it might lead to disastrous consequences in reference to the ordination of priests of the Roman Catholic Church. It was all very well for the Government to tell them that the declaratory Act left the law as it found it, and that it did not profess to change it; but the Government had shrunk from the responsibility of stating clearly and intelligibly to the House what the law really was. He submitted that the hon. and learned Attorney General had altogether omitted to answer the question addressed to him, and had left them in utter ignorance on the subject on which they sought for information. Experience showed how difficult it was to rely upon such assurances as had been given, for, after they had legislated upon the question of mixed marriages, they had an instance in Ireland of a Roman Catholic clergyman being prosecuted for solemnising a marriage between a Protestant and a Catholic in that country. What he intended to propose was a proviso at the end of the Clause to remove those doubts which he felt in common with many other persons; and the words he had adopted were taken from a clause in the Charitable Bequests Act. Great practical and political mischief would result from loose legislation on this subject. Our legislation would, in this case, be nothing better than dead-letter legislation. It would be despised and contemned by the millions of the people in Ireland, and the most irreparable injury would be inflicted thereby on that country. The influence of moderate men would be weakened, the laity would be deprived of their legitimate weight, and the clergy would have forced upon them an amount of power which was not naturally theirs. On these grounds, he asked the Government to pause before they rejected the Proviso which he was about to move. Hon. Gentlemen opposite ought to remember that, however few in number the opponents of this Bill were, they were there faithfully representing the views and the interests of several millions of their fellow-subjects, and that fact alone was sufficient to justify the opponents of the measure in using all fair and honourable means of resisting its progress in conformity with the rules of the House. It was sincerely their object to extract the *virus* of the Bill, and to do what they could to promote the tranquillity of the country. He therefore trusted that they would hear no more of those wretched taunts in reference to that course of opposition which they had felt it their duty to take.

Amendment proposed, to add, at the end of the Clause, the following Proviso:—

> "Provided, that nothing in this Act contained shall be construed to affect any Archbishop or Bishop, or other person in Holy Orders of the Church of Rome, officiating in any District, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, according to the usages and discipline of the Church of Rome, in the United Kingdom, as they existed previous to the 29th day of September, 1850."

LORD JOHN RUSSELL said, the hon. Gentleman was only repeating a question which had already been repeatedly answered. He saw no advantage in entering into this argument. His right hon. Friend the Home Secretary had already stated that the Bill did not interfere with the functions of Roman Catholic clergymen—they had already debated and divided upon it—and he saw no advantage in doing so again.

MR. OSWALD said, as the question of the existing forms of the Roman Catholic religion had been mooted, he wished to state what he understood to be the law in Scotland, previous to the 29th of September, 1850. There was a statute, the 2nd of the year 1569, which bore the rather formidable title, "An Act anent the Abolition of Popery." It provided—

> "That nane of our said Soveraines subjects, in ony times heirafter, sute or desire title or richt of the said Bischop of Rome, or his sect, to ony thing within this realme, under the paines of Barratrie, that is to say, proscription, banishment, and never to bruke honour, office, nor dignitie within this Realme. And the contraveners heirof to be called before the justice or his deputes, or before the Lords of the Session, and punisched therefoir, conforme to the Lawes of this Realme. And the furnischers of them with finance of money, and purchassers of their title of right, or maintainers, or defenders of them, sall incurre the samin paines. And that na Bischop nor uther Prelat of this Realme, use ony jurisdiction in time cumming, be the said Bischop of Romes authoritie, under the paine foresaid. And therefoir of new decernis and ordainis, the contraveners of the samin, in ony time heirafter, to be punisched according to the paines in the foirsaid Act above rehearsed."

In the year 1700 another Act was passed, ratifying and confirming every Act which had been previously passed against the Papists. In the 33rd year of George III., an Act was passed by the Parliament of the United Kingdom, abrogating all the pains and penalties contained in former Acts which by name were recited and confirmed in the Act of 1700. But it happened that this Act of 1567 was not one of those Acts so named and recited. It happened that in the fifth Act of the same Parliament of 1567, there was another Act making the celebration of the mass in Scotland penal. In Hume's *Treatise on Crime*, published in 1829, that Act was stated to be still in force. Therefore by parity of reasoning the other Act of 1507 must also be still in force in Scotland. He had applied to eminent counsel in Edinburgh on this subject, who referred him to the *Treatise of Hume on Crime*, but would not answer the question whether the Act was in force in Scotland or not. Now the hon. Gentleman the Member for Carlow (Mr. Sadleir) proposed, by the proviso he wished added to the clause, that the law should be left in the same state as it was previous to the 29th of September, 1850; and as he had some doubts as to what was the law of Scotland on this subject he had come to the highest court in the realm to have his doubts solved.

The EARL of ARUNDEL AND SURREY was ashamed to recur to the clause which had been so much talked of; but he understood that in his absence the right hon. Baronet the Home Secretary had stated that this clause did not affect the spiritual jurisdiction or authority of the Roman Catholic prelates. If that were so, and if the clause was not intended to have a deeper meaning, he could not see what objection they had to the insertion of this proviso.

MR. TRELAWNY held in his hand the legal opinion of an eminent lawyer, which stated that as the assumption of a title confirmed by this Rescript was illegal, it followed that every act performed by a bishop would be illegal, would be held as a misdemeanour, and that any person might prefer an indictment against him for doing so. He wished to know from the hon. and learned Attorney General what would be the effect of this clause in a case which he would mention. Suppose a Catholic dignitary under the title of Archbishop of Westminster ordained a priest, and that afterwards the archbishop for some act of impropriety censured this priest, or deposed him from his cure, and he chose then to turn against his bishop, and to produce the letters of ordination in virtue of which he was appointed to his cure of souls, would it be in his power to make use of these letters to proceed against his bishop for a misdemeanour, and to put in evidence that statement, in his (the bishop's) own handwriting, by virtue of which alone he was made a priest?

The ATTORNEY GENERAL said, that he had answered this question over and over again. He really did not know how to frame answers if hon. Members persisted in not understanding them. He had already said again and again that in his opinion, under this first clause no misdemeanour would arise; that it affected only the validity of acts done under assumed territorial titles. Whatever this Bill contained of penalty, was constituted under the second clause. If the Act to which the hon. Member had referred was done under the authority of an archbishop, and the assumption of the title was, under the particular circumstances of the title, illegal, so as to constitute an offence, it would arise under the second clause, but certainly not under the first—the only clause then under the consideration of the Committee.

MR. TRELAWNY said, that this was much too important a matter to be passed over in this manner. He must quote further from the opinion to which he had already referred:—

> "It is important to observe that an indictment would lie, though the bishop did not use the title of his diocese or see in performance of the act in question. It would be a question for the jury whether the act was done in pursuance of any authority conferred by the brief. If so, it would be a misdemeanour."

The ATTORNEY GENERAL: I have already said that I do not think it would be a misdemeanour.

The EARL of ARUNDEL AND SURREY: Then I have to say that several very high legal authorities take a contrary view.

MR. BLEWITT said, that he considered the first clause of the Bill, all "moonshine;" he supposed that in the event of any proceedings under this clause, the hon. and learned Attorney General would have to put in evidence this "certain Brief, Rescript, or Letters Apostolic;" he wished to know from the law officers of the Crown (and he believed this question, at all events, had not been asked before) where he would find them?

The ATTORNEY GENERAL regretted to say that he had already answered that question, and he thought he must at length lay down this wholesome law to himself—that he would not answer any question a second time, unless it was put professionally, and with a professional fee. No proceeding could be founded by the Attorney General upon this first clause. The whole of the Attorney General's jurisdiction would be founded on the second clause; the first, as he had said over and over again, only invalidated acts done with an illegal assumption of a title.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 47; Noes 278: Majority 231.

List of the AYES.

Anstey, T. C.
Arundel and Surrey, Earl of
Blake, M. J.
Blewitt, R. J.
Clements, hon. C. S.
Corbally, M. E.
Devereux, J. T.
Fagan, J.
Fortescue, C
Fox, R. M.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Howard, Sir R.
Keating, R.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher. N. V.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Moore, G. H.
Murphy, F. S.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Pinney, W.
Power, Dr.
Power, N.
Reynolds, J.
Scholefield, W.
Scully, F.
Smythe, hon. G.
Talbot, J. H.
Tenison, E. K.
Trelawny, J. S.
Wegg-Prosser, F. R.
Young, Sir J.

TELLERS.
Roche, E. B.
Sadleir, J.

MR. KEOGH said, the hon. and learned Attorney General said it was perfectly impossible that any indictment should lie on this clause. Some of the first lawyers in England did not entertain a doubt that an indictment would lie; and as it was necessary to have the point clearly expressed in the Bill itself, he would move, to add the following proviso:—

> "Provided that no criminal proceeding shall be commenced, or indictment preferred against any person, under or by virtue of this clause."

This was an important proviso, and perhaps it would be as well that he should not move it now, but that he should give notice of it.

The CHAIRMAN: Do I understand the hon. and learned Gentleman proposes it at the present moment?

MR. KEOGH: If the noble Lord thinks it desirable to proceed at one in the morning.

The CHAIRMAN: Do you move it now?

MR. KEOGH: I wish to give notice now.

The CHAIRMAN: The hon. and learned Gentleman cannot give notice of it now.

Mr. KEOGH: Then I move it.

Mr. REYNOLDS considered that the advanced hour of the morning was his excuse for moving that the Chairman do now report progress.

Lord JOHN RUSSELL said he would not give the Committee the trouble of dividing on this Motion. He thought it was now sufficiently clear that hon. Members had been making the same Motion over and over again. That when they had gone into the lobby, finding themselves in a small minority, they had framed Motions at the moment which had been before rejected, and brought them before the Committee in a different shape. That being sufficiently obvious, he thought it as well that they should have time to reflect upon this conduct, and he did not think they would be inclined to repeat it again when they saw that public opinion condemned such a mode of proceeding.

The House resumed; Committee report progress; to sit again on Thursday.

ST. ALBANS BRIBERY COMMISSION (SALARIES AND EXPENSES).

Order for Committee thereupon read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. BANKES said, he should oppose the further progress of the Bill. This was a Commission that would entail considerable expense on the country. Considering the unsatisfactory termination of the inquiry, and remembering that the chief witnesses were still absent, and the Committee had seated the Member petitioned against, he thought it was too much to come before the House and ask them to assent to a costly examination. By the plan he should propose, no expense whatever would be incurred. He should, therefore, move that the House adjourn.

Whereupon Motion made, and Question put, "That this House do now adjourn."

Mr. EDWARD ELLICE said, it was necessary to go into Committee to enable him to move a Resolution for the payment of such salaries and expenses as might be incurred in the inquiry.

The CHANCELLOR of the EXCHEQUER deprecated the course pursued by the hon. Gentleman (Mr. Bankes). The House had unanimously resolved there should be an inquiry, and some expense must necessarily be incurred.

Mr. BANKES would withdraw his objections, if the word "salaries" were omitted.

Mr. EDWARD ELLICE said, the provision was only permissive in case the House thought fit.

The House divided:—Ayes 19; Noes 54: Majority 35.

List of the Ayes.

Adderley, C. B.
Archdall, Capt. M.
Bagge, W.
Beresford, W.
Booth, Sir R. G.
Buller, Sir J. Y.
Burghley, Lord
Cobbold, J. C.
Conolly, T.
Edwards, H.
Fellowes, E.
Gwyn, H.
Hamilton, Lord C.
Hornby, J.
Knox, hon. W. S.
Sibthorp, Col.
Trollope, Sir G.
Tyler, Sir G.
Yorke, hon. E. T.

TELLERS.

Bankes, G.
Arkwright, G.

List of the Noes.

Aglionby, H. A.
Berkeley, C. L. G.
Blackstone, W. S.
Boyd, J.
Brotherton, J.
Butler, P. S.
Childers, J. W.
Cockburn, Sir A. J. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Douglas, Sir C. E.
Duncuft, J.
Dundas, A.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, W.
FitzPatrick, rt. hon. J. W.
Geach, C.
Greene, T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lewis, G. C.
Mangles, R. D.
Masterman, J.
Matheson, Col.
Moncreiff, J.
Nugent, Sir P.
O'Connell, M. J.
Palmerston, Visct.
Ricardo, O.
Rich, H.
Scholefield, W.
Seymer, H. K.
Seymour, Lord
Smollett, A.
Somerville, rt. hn. Sir W.
Stanford, J. F.
Stanton, W. H.
Stuart, H.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Wawn, J. T.
Westhead, J. P. B.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hill, Lord M.
Craig, Sir W. G.

House in Committee; Mr. Cornewall Lewis in the Chair.

Motion made, and Question proposed—

> "That the Commissioners of Her Majesty's Treasury be authorised to pay the Salaries of the Commissioners and the other Expenses which may be incurred under any Act of the present Session for appointing Commissioners to inquire into the existence of Bribery in the Borough of St. Albans."

Colonel SIBTHORP moved that the Chairman should report progress, and ask leave to sit again.

Mr. EDWARD ELLICE said, it was desirable that they should proceed then with the measure.

MR. BANKES said, the principle involved in the clause before them ought at least to receive one fair discussion in that House, which could not take place at that hour—half-past one o'clock.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 15; Noes 50: Majority 35.

Mr. BANKES said, he must complain of the hon. Member for Salford (Mr. Brotherton) for voting at that late hour (half-past one o'clock) for a measure that would entail an expense of several thousand pounds on the country. The hon. Member was not acting with much impartiality in moving adjournments at an early hour on other occasions, and in omitting to do so now because his favourite measure was before the Committee.

The CHANCELLOR OF THE EXCHEQUER protested against the unfair attack made upon his hon. Friend the Member for Salford. The Committee on this occasion had unanimously declared that there should be an inquiry, and the hon. Member for Salford had only done his duty in supporting it.

MR. M. J. O'CONNELL wished it to be understood that the Irish genius for delaying the public business had been completely excelled by the piratical attempts of the Saxon. It might be that the English Members who were now opposing the progress of the public business had taken a lesson from the Irish Members; but on the present occasion the English Members had earned the glorious reputation of standing alone.

MR. AGLIONBY said, that he never knew so pertinacious an opposition to so unimportant a Bill, at that hour of the night, and warned the minority how they abused the privileges of the constitution.

MR. BROTHERTON defended himself from the attack of the hon. Member for Dorsetshire (Mr. Bankes). He considered this opposition was a factious one, and for that reason he considered himself justified in opposing it.

MR. BANKES said, that if it were known that the Bill would have been pressed in so thin a House, several Members would have waited to oppose it.

MR. EDWARD ELLICE said, he did not wish to press the Bill in any covert manner. If the House would now pass the Resolution, he would try, and make some arrangement with the hon. Member for Dorsetshire which might be satisfactory to him and himself. The clause to pay the commissioners had not as yet been passed.

MR. BANKES: Yes, but you want to appoint the commissioners, and we object to any commissioners, paid or not.

Four other divisions took place, when, after some further discussion, the original Question was agreed to, upon the understanding that the Bill should not be brought before the House after twelve o'clock on any subsequent occasion.

House resumed.

The House adjourned at a quarter after Two o'clock.

APPENDIX.

APPENDIX.

A CORRECTED REPORT OF MR. WHITESIDE'S SPEECH ON THE "ECCLESIASTICAL TITLES ASSUMPTION BILL," THURSDAY, MAY 15, 1851.—(Vol. cxvi. p. 1023.)

Mr. WHITESIDE said, that he felt considerable diffidence in attempting to address the House in the presence of so many Gentlemen, his superiors in knowledge, in talent, and experience; and had the question been one touching the financial affairs of the empire, he should have left it to be discussed by men skilled in political science, and who stood high in the estimation of the House and of the country. The question, however, which they had then to consider was not one of such a nature. It was one in which the constituency he represented, and the Protestant inhabitants generally of the flourishing province to which he belonged, took a deep interest. The Act against which the Bill before the House was directed, had stirred the feelings and roused the indignation of the English people, who were generally governed by calm reason, and seldom yielded to the excitements of prejudice or passion. He deeply regretted that he should be compelled to allude even for a moment to Irish politics or to Irish history; there was little in either to invite or to reward inquiry. Would that he could apply to that history the words of Coke—"Let darkness hide it; let oblivion bury it;" adding from his heart a prayer that a bright and happy future might compensate for the gloom and misery of the past. If he were compelled to advert to it for a short time, let him hope that from the examination of the past, might be drawn a profitable lesson as to what ought to be their policy for the future. It should be confessed that the relations of this country and of Ireland towards the Pope of Rome at the present moment were of a peculiar, of an almost unprecedented nature. Very near them was seated in that city a Privy Councillor of the Pope—a member of the conclave that elected Popes, and one eligible himself to the Popedom, bound by fealty and by an oath of obedience to that Potentate who had heaped on him the highest distinctions which it was in his power to confer, and which the Cardinal had accepted without asking the permission of his lawful Sovereign. The Cardinal Archbishop of Westminster, as he styled himself, said, he was a loyal subject of the Queen, whose interests might certainly clash very materially with the interests of the Pope. And what was it that the Pope had said? He had in his Letter Apostolic reminded the English people of the happy days of the Roman Catholic Church, when Jeffries sat on the Bench, and James on the Throne; and he had announced his determination to rescue the Church of England, as far as he could, by the assertion of his power, from the calamities that had befallen it. In the execution of his gracious purpose, he annulled the ancient dioceses of this country; he had partitioned out the kingdom into new dioceses; and he had announced his intention of dividing the provinces hereafter as he might think expedient; while he forbade any impious mortal to impugn his edicts as null and void. The Cardinal had carried out and executed the commands of his master, and had announced to the people of this country that he governed eight counties and some islands, until his master should otherwise determine. Watchful of opportunities, and guided by the Propaganda, Archbishop Wiseman was ready to act as the Papacy might require. That was the condition in which England at present stood. On Ireland the Pope had lavished extraordinary blessings. Unasked, unexpected, uninvited, Archbishop Cullen (of whom he desired to speak personally with respect) had appeared as the Legate of the Pope in the Protestant city of a Protestant province—in the city of Armagh. He said that he was Archbishop of Armagh, and Primate of all Ireland. He claimed that title by virtue of the Brief of the Pope. Dr. Cullen argued that the Protestant Archbishop of Armagh claimed his title only by virtue of the appointment of the Sovereign of England (confirmed by Parliament, and by a usage of centuries); but Dr. Cullen considered that title an usurpation, and proceeded himself to exercise the functions of the office. A commentator on our ancient statutes had observed that there were two modes by which the Popes of Rome had in former times been in the habit of assailing the realm of England; the one by exciting foreign invasion, and the other by fomenting domestic disturbance; the latter mode being the most efficacious. It was certainly a very remarkable thing in the history of Ireland that when physical force was threatened or applied, religious controversy ceased; and that when the physical-force man was at rest, the priestly agitator sprang up into activity. What was the ground assigned for the conduct pursued by the Legate of the Pope in Ireland? The heads of the Roman Catholic Church in Ireland had found it necessary to interfere with the provincial colleges, on the ground that those colleges were fraught with danger to the faith and morals of Roman Catholic youths. Now, it was of some little importance to discover whether the heads of the Roman Catholic Church believed that to be true, or whether they had put that forward as a mere pretext to cover their attack on the power and the temporal Government of England in Ireland, while they entertained no such belief, and had no ground for entertaining such a belief. A very few words would, he thought, prove that the latter view of the case must be the correct one. Those who were acquainted with the past history of Ireland knew that long prior to the Union the Irish Parliament had been petitioned by the Roman Catholics to throw open to them the colleges, schools, and the University in Ireland. The Roman Catholics had very fairly pressed on the Legislature of Ireland the fact, that while it was said they were ignorant, they were by law debarred from the means of acquiring knowledge. That argument had prevailed; the Roman Catholics had been invited to enter with their Protestant fellow-subjects on the spacious walks of literature and science; and the University of Dublin had been thrown open to them, with its honours, distinctions, and preferments, save the fellowships and scholarships which had been founded exclusively for Protestants. In that Protestant University for sixty years the Roman Catholic gentry of Ireland had been educated; there Mr. Sheil had acquired his brilliant attainments; and there many Gentlemen whom he saw around him, and whose talents and acquirements were well known to and appreciated by the House, had received their education. He admitted that they were much more tolerant than if they had been taught elsewhere; for it was impossible to study the noblest productions of antiquity, and to associate with gentlemen and scholars, without a softening of even religious prejudices. The priesthood and the bishops of the Roman Catholic Church had never interfered with that system of education—the Pope had never interfered with it—and yet in that University there was a school of divinity, and the Protestant religion was the religion of most of the students. But as it was thought and felt that if provincial colleges were established throughout Ireland, it would be more to the taste and in accordance with the feelings of the Roman Catholics, and that the Roman Catholics themselves would thereby be the more benefited, it was resolved that they should be established. But what took place prior to their establishment? The Government of Sir Robert Peel appointed a Commission in 1845 to inquire into what would be the fitting place in which to establish the University in Ulster. At that time, it was to be observed, the Roman Catholic Primate was Dr. Crolly. The Chairman of the Commission, one of Her Majesty's counsel, the assistant barrister for Monaghan, was applied to by him, for the purpose of obtaining information as to what had been the feeling entertained with respect to these institutions by the head of the Roman Catholic Church—before the operation of foreign influence, and before the Pope had expressed his wish on the subject. Well, it was in his power to state what had then occurred. The first personage that was examined by the Commissioners was the Primate of the Church of England, and he expressed his opinion in favour of the establishment of the Provincial College at Armagh. Who then was the second witness? It was the Roman Catholic Primate, and he gave the strongest testimony in favour of the projected colleges. He pronounced the establishment in Armagh of the new college, calculated to be most favourable to faith and morals; and he, the Roman Catholic head of the Roman Catholic Church, proposed himself to endow a professorship, and to subscribe out of his small income 1,000*l.* for the benefit of so admirable an institution. The report of that Commission had never been published; but he had a note of the evidence of the Roman Catholic Primate, of which he had now stated the substance. Upon the same subject the Roman Catholic bishop in Belfast gave similar testimony. That, then, was the case with respect to those colleges at the time of the death of Dr. Crolly. He assured them that every step in this transaction required the full attention of the House. Prior to the appointment of the present Roman Catholic Primate, the manner of nominating bishops in Ireland had been long fixed and established. The subject was one that had been inquired into in the House of Lords before the Emancipation Bill had been carried. Bishop Doyle had been examined respecting it, and his examination was to this effect:—

> "Is the power of the Pope to nominate directly either a native or a foreigner to a Roman Catholic bishopric in Ireland, now acknowledged by the Roman Catholic Church in Ireland?—It is acknowledged by us—he has such power.
>
> "Has it, in point of fact, ever been exercised?—It has not, in point of fact, ever been exercised, to my knowledge.
>
> "Has any attempt been made to exercise it?—There has not.
>
> "But he has the right?—I conceive he has.
>
> "Who names to the office of dean?—The Pope appoints to the office of dean.
>
> "Have the goodness to inform the Committee in what manner the Roman Catholic bishops are appointed in Ireland?—They are recommended to the Pope by the clergy, or some portion of the clergy, of the vacant diocese, and this recommendation is generally accompanied by one from the metropolitan and suffragans of the province; and upon these recommendations the appointment generally takes place. I should observe that the electors, whoever they may be, elect not one only, but three; however, the person whose name is placed first among the three is, I believe, uniformly appointed by the Pope."

He then informed the Committee as to the mode in which the bishops were appointed. Three names were selected—that is, three persons were elected by the parochial clergy, and the invariable practice was for the Pope to sanction the appointment of the person who was at the head of the list. On the death of Dr. Crolly, the parochial clergy so selected three priests, Dr. Dixon, Dr. O'Hanlon, and Dr. Hierun, the last a gentleman that was highly spoken of; one who had a taste for books, and was of a liberal spirit. The Pope of Rome, on that occasion, rendered the election by the parochial clergy of no avail. He set aside the names of the three clergymen, and appointed Archbishop Cullen. The Pope did that which had never, in any instance, been done previously. The Pope thus destroyed domestic election by the clergy, and, to increase his own power and influence, he nominated a prelate, in feeling an Italian, in order that he might wield power over the Roman Catholics in Ireland to execute his will and that of the Propaganda. Dr. Cullen, uninvited by any human being in Ireland, came to that country in the double character of Archbishop of Armagh, and Legate of the Pope. [*Cries of* "No, no!" *from Roman Catholic Members.*] He said "yes," and that when they had Archbishop Cullen in Ireland, and Cardinal Wiseman in Westminster, it was vain to hope that religious peace could be preserved in either country. Archbishop Cullen, then, under his authority as the Papal Legate, convened a synod in Ireland; and when he convened a synod, it was one of that nature that they found in it bishops sitting in judgment upon the acts of the Legislature, and condemning the law of the land in which they lived. When this synod was assembled, let them, he said, observe the manner in which it was held, and the matter of it, because in each stage of the transaction it would be seen that the law of the land had been specifically violated—he admitted to the hon. Member for Athlone, and he was very sorry to say it—by and with the consent of the Irish Administration. The House was aware that no Roman Catholic monk or friar could appear as such, in his robes, in the streets or thoroughfares. It was a proper precaution. There was a wise and good reason to forbid that or any Papal procession publicly. The law did not permit nor sanction it. He had an account of the opening of the synod—he had an account of the procession previous to its being opened. It was very short and interesting, and he would read it, for two reasons: first, to show under what auspices the procession had taken place; and, next, to show what was the character of the procession itself. As to the law forbidding such processions of priests in their robes, there could be no doubt about it, and therefore he would not read the clause in the Act of Parliament. This, then, was the account sent to him of the procession:—"On the opening of the Synod of Thurles, a well-appointed corps of the Irish police force, in full uniforms, attended as a guard of honour upon the procession of the Romish hierarchy from the college to the cathedral. The police were under the orders of Gore Jones, Esq., R.M., and had a very imposing effect. You may read in the newspapers of that period a detailed account of the procession. You may read the *Freeman's Journal*, the *Tipperary Free Press*, the *Limerick Reporter*, and the *Nenagh Vindicator*. It was thought in Thurles that the synod was sanctioned by the Government, or Mr. Gore Jones and the police would not have attended. The Hon. Mr. French, the police magistrate from Cashel, was also present, as were many other persons holding places under the Government. However, very few Protestants showed themselves in Thurles during that time." And then there was given an account of the decorations of the clergy; of the robes of the Franciscans, and Augustines, and of every other order known in the Roman Catholic Church, with the splendid pageant of the Primate and the bishops, with crosses and banners; and then it was stated that as the Papal Legate passed, the people knelt down to receive the Pontificial benediction, and paid to him the same honours that were due to the Pope himself. And how justly did the leading journal of the Roman Catholic party triumph in such an event as this: there was a boldness and a candour in its avowal which he liked. The Parliament had passed an Act by which the Orangemen of Ireland were forbidden to hold their processions, lest their doing so should be regarded as an insult to the Roman Catholics, although those processions were in honour of that anniversary which had given liberty to them, and liberty to their fellow-subjects in England. But whilst they were forbidden to do this, yet here was a procession of Romish ecclesiastics in the broad daylight. Had any notice been taken of that? He called upon the Attorney General for Ireland to answer him. In no spirit of discourtesy, and with no feeling of disrespect, he called upon the Attorney General for Ireland, as the head of his profession, as the uncorrupted guardian of the public peace, as the firm asserter of the dignity and power of the law, he called upon the right hon. Gentleman to state now, and in presence of that House, whether in his communications with the stipendiary magistrate, or with the head of the constabulary, he had heard of this procession; whether he deemed it legal; and, if not legal, whether he had asserted the law, and punished the transgressors? He ventured to think that the right hon. Gentleman would not maintain that he had done so; and he ventured to prophesy that he never would do so. So, when they passed from the manner to the matter of the procession, they would find it illegal all through. The prelate who signed himself "Paul, Primate"—Dr. Cullen, and, personally, he desired not to say one word disrespectful of him—but that prelate signed himself "Paul, Primate of all Ireland." The second name to the document or decree issued by him was signed by "John, Bishop of Clonfert," the promoter of the synod. The announcement was fairly, freely, distinctly made, that those persons were acting under and by the Papal authority, and directly contrary to the law of the land. And here he must say that the hon. Member for Manchester had made a most unfortunate reference to this subject the other night, when he stated that ten of the bishops had been in favour of the provincial colleges, but that there were none now. And why were there none now? Because they no longer enjoyed free will—foreign influence had crushed them. Against their reason and conscience those bishops had been compelled to condemn colleges which they knew were for the good of Ireland. He had hoped that the University of Dublin and the schools throughout the country might have been spared; but no, in the same spirit in which the provincial colleges were condemned, every other school and university was condemned—every place of education where Protestants might meet their Roman Catholic fellow-countrymen, and enjoy the blessings of mixed education—all were condemned. [*Cries of* "No, no!"] With great respect for those who expressed dissent, it was so; and he referred to the words of Dr. Cullen in synod on the subject:—

> "The solemn warning which we address to you against the dangers of those collegiate institutions extends, of course, to every similar establishment known to be replete with danger to the faith and morals of your children—to every school in which the doctrines and practices of your Church are impugned, and the legitimate authority of your pastors set at nought."

The University of Dublin would come under this denunciation. It was established for Protestants; the Protestant religion was daily taught there, and its practices were enforced. If, then, a system of mixed education had previously been approved of, it would baffle the intellect to discover any reasonable cause why the

Protestant colleges should have provoked indignation, if that indignation was sincere, unless it was actuated, as he suspected it was, by a wish to revenge upon England her supposed interference in the affairs of Italy. But the synod did not confine itself to this duty alone. It told the people how the rich ought to be dealt with, that is, if there were any rich still to be found in Ireland. It held them up as tyrants to the people; and the sentence pronounced upon those branded as the rich, he was sorry to find coming from the Christian head of a Christian Church. The synod temperately described the rich, and then applied to them words perverted from the Scriptures:—

> "The desolating track of the exterminator is to be traced in too many parts of the country—in those levelled cottages and roofless abodes, whence so many virtuous and industrious families have been torn by brute force, without distinction of age or sex, sickness or health, and flung upon the highway to perish in the extremity of want. But let not the oppressor and the wrong-doer imagine that the arm of the Lord is shortened in Israel. For 'He will not accept any person against a poor man, and He will hear the prayer of him that is wronged. He will not despise the prayers of the fatherless, nor the widow, when she poureth forth her complaint. Do not the widow's tears run down her cheeks, and her cry against him that causeth them to fall? For from the cheek they go up even to heaven, and the Lord that heareth will not be delighted with them'—(Eccles., chap. xxxv., v. 16, 17, 18, 19). And again, 'Do not violence to the poor man, because he is poor, and do not oppress the needy in the gate. Because the Lord will judge his cause, and will afflict them that have afflicted his soul'—(Proverbs, chap. xxii., v. 22, 23). Hence the woes pronounced by St. James against the perpetrators of such cruelties. 'Go now, ye rich men, weep and howl in your miseries which shall come upon you. Your riches are corrupted, and your garments are moth-eaten. Your gold and silver is cankered, and the rust of them shall be for a testimony against you, and shall eat your flesh like fire. You have stored up for yourselves wrath against the last days. Behold the hire of the labourers who have reaped down your fields, which by fraud has been kept back by you, crieth, and the cry of them hath entered into the ears of the Lord of Sabaoth. You have feasted upon earth, and in righteousness you have nourished your hearts in the days of slaughter'—(St. James, chap. v., v. 1, 2, 3, 4, 5)."

It was known to the House what a severe, although just, commentary had been pronounced upon these passages by the Lord Lieutenant of Ireland. But let them look upon that criticism as just or unjust, he would ask if this was becoming conduct in a spiritual synod, assembled for purposes that were purely spiritual? He asked if, having described the misery of the poor, and their sufferings in their native country, there ought not to have been an admission made as to the condition of the gentry of the south and west of Ireland, and that their last shilling had been taken from them, under the pressure of the poor-law which it was difficult for them to bear? When this was said, ought not the admission to have been made, if it was intended to speak the whole truth, that the poor were not utterly neglected—that in the city of Armagh, with which he was better acquainted than Dr. Cullen, there were no better institutions to be found in any place throughout England for the maintenance of the poor? Such was the matter and the manner in which the Synod of Thurles was conducted. That it was illegal, who denied? Nobody denied it. It was by the Pope's nominees the synodical declaration was signed; it was as the delegate of the Pope, Dr. Cullen acted, and the act was illegal—these bishops signed the decree of the Synod, assembled under the edict of the Pope, and in so doing they acted illegally. He said, that if the legal evidence was as strong as the moral conviction as to what had been done, then there had been a clear and open violation of the law. Well, then, what notice of all these proceedings had been taken by the authorities in Ireland? None whatever. He could perfectly well understand and believe that Archbishop Cullen, having passed all his life in a despotic country—having seen there the Papal Legate wielding supreme authority in the State, and that all bowed down before him who exercised it, thought that the same authority could in Ireland be exercised in a similar manner, and with a like effect as in Rome. He had voted the other night in support of a proposition, affirming that the Ministers had encouraged these encroachments, to which reference had been made by the hon. Gentleman who had last spoken. He had voted for that proposition coerced by facts which had come under his own observation, and to which he desired to attract the notice of the House. It was with the utmost pain that he referred to this subject; but as he voted for what he believed to be the truth, he wished now to state his reasons for the vote he then gave. And with reference to the conduct of the Irish Administration he must say that there was a good deal of truth in what the hon. and learned Member for Athlone had said. On the day that Lord Clarendon arrived in Ireland the Catholic Emancipation Act was in force—that Act which declared Roman Catholic bishops should not assume the territorial titles belonging to Protestant sees. That Act was one of which the Roman Catholic bishops themselves had declared their approbation; he had before him their pastoral address, issued after the Act was passed, declaring their gratitude for emancipation with throbbing hearts, and calling on the people of Ireland to respect the enlightened Parliament which passed that law—asserting that they would obey the law, which they regarded as a pledge of tranquillity for the future; and, to show their sincerity, they signed a document, in which they made a solemn declaration by the titles which the law permitted them to use. The same law which existed then existed now, and the same rights which they had then they had now; and none other. If he remembered rightly, when he was in the university, he paid his shilling to hear the late Master of the Mint (Mr. Sheil) express, in a burst of enthusiastic eloquence, the gratitude which the Roman Catholic laity felt for the passing of the measure of emancipation. By that law it was clear that the Roman Catholic Primate had no right to the title he assumed. The law being clear, then, with respect to the forbidden titles, one would have imagined that the upholders of the law in that country would have paid implicit respect to it themselves, and seen that it was enforced by others. Had the Executive Government done so? Now, when Lord Clarendon arrived in Ireland he was received by the Protestants most cordially; he was so received as the representative of their gracious and beloved Queen; his manners were prepossessing, his language was fascinating, and there was everything to recommend him to the public favour. But what was Lord Clarendon's conduct as connected with these transactions? The Roman Catholic bishops addressed him shortly after his arrival in 1847. For several days before his elaborate and eloquent reply to that address, a copy of it illegally signed was placed before him. That address he saw signed by "John, Archbishop of Tuam," and "John Derry, Bishop of Clonfert"—the same Bishop of Clonfert who signed the address and proclaimed the commands of the Synod of Thurles. Were such signatures legal? It might be argued to be an unintentional infringement of the law to use the signature "John, Archbishop of Tuam." It might be suggested, that there being no Protestant Archbishop of Tuam, the Catholic prelate might legally take the title; but that was a mistake. The words of the Act of Parliament were, not only that the Romish bishops were not to take a title belonging to another, but that they are not to take any title unless by law authorised to do so. How then comes the individual so signing himself to be "Archbishop of Tuam?" As to the "Bishop of Clonfert," it was a title that was manifestly and indisputably illegal. Of course he who was responsible to the country for the observance of law and order, might have been expected to have corrected that illegal assumption of titles; but what would be thought when it was known that for five days Lord Clarendon had that address before him; and, not noticing this illegal assumption, he gave to the Roman Catholic bishops those titles which they had so long coveted, and to the obtaining of which they had been making encroachments, and were preparing to make further, for Lord Clarendon styled them "my lords," and "your grace," thanked them for their address, and hoped he should be aided by the counsels of "their lordships" in managing the affairs of Ireland? What, then, must have been the opinions of these persons on seeing that official reply? What must have been the opinion of those prelates when this reply was made to them, but that they were at liberty to use —not by usurpation, but by favour of the Crown, represented in Ireland by Lord Clarendon—those titles which the letter and spirit of the law, and the penalties of the law, forbade them to use? From that time forth the Roman Catholic bishops had steadily pursued a consistent course. If, when he saw the address presented, signed, "John, Archbishop of Tuam," Lord Clarendon had consulted the first law officer of the Crown in Ireland, he would have told him that the assumption of that title was clearly illegal; and then he should have told the Catholic bishops, that, while he would receive them courteously, and listen to them respectfully, because they were entitled to be courteously received and respectfully listened to, as the bishops of a great portion of the people of Ireland, he would not sanction their violation of the law, and an open breach of an Act of Parliament. Had the matter remained there, it would have been bad enough. But it was not all. A few days afterwards Lord Clarendon unfortunately undertook to explain the Charitable Bequests Act, and in so doing gave to the Roman Catholic bishops jurisdiction and titles to which they had no claim. Lord Clarendon addressed a letter to the Secretary of the Colonies (Earl Grey), stating that the Act of Parliament (the Bequests Act) had ascertained the rank of the Roman Catholic prelates, and advised that it should be given to them in the Colonies, thus bringing confusion into the Colonies by the Roman Catholic prelates claiming a rank superior to that of the bishops of the Church of England. It was afterwards admitted that this was a wrong construction of the statute, and the blame was cast by the noble Lord at the head of the Colonies on Lord Clarendon. There was next the *Gazette*, specifying the rank of distinguished persons at the levee when Her Majesty visited Ireland; and rank was then given to the Roman Catholic archbishops above the peerage of the realm; all these facts induced the prelates of the Church of Rome to believe they might safely assume the titles they coveted. There were two speeches which had been delivered in the course of the discussions on the Ecclesiastical Titles Bill, the one by the hon. Member for Manchester (Mr. Bright), and the other by the hon. and learned Member for Athlone, on which he wished, before concluding, to make a few remarks. To the speech of the hon. Member for Manchester, he was afraid he was not at liberty to allude, as he was not present. As to the speech of the hon. Member for Manchester (Mr. Bright), he should have wished to say a few words in reply, but he believed it would not be according to the usages of the House to do so, as the hon. Member was not then in his place. He should have wished to say a word in defence of that Church which the hon. Member had so unsparingly assailed; and he confessed it was with as much astonishment as regret he had heard that hon. Gentleman so unsparingly attack a Church in which a great majority of his fellow-countrymen believed, and which was enshrined in their hearts and affections. He had been astonished also to hear the hon. Gentleman, who was such an asserter of popular rights, ridiculing the public meetings which had taken place in various parts of England, and asserting that Parliament ought not to yield to a popular cry. Such was the sentiment of one of the most distinguished champions of the people, and he was astonished to hear it. The speech of the hon. and learned Gentleman the Member for Athlone had filled him, he must confess, with regret. If the hon. Gentleman had appealed to the Parliament's sense of justice, he should have heard him with pleasure; but he did not expect that in a British House of Commons the hon. Gentleman would have appealed to any sentiment of fear, except the fear of doing injustice. If the hon. Gentleman was in earnest in saying that he would ensure this country twenty years of angry agitation in Ireland— [Mr. KEOGH: I said no such thing.] He certainly understood the hon. Gentleman to say that he would draw the sword and never sheathe it until he had obtained vengeance over the oppressors, and that the people of Ireland would agree with him in that sentiment. He denied both the hon. Gentleman's facts and his inferences. The Protestant people of Ireland, in number at least 2,500,000—[*Cries of* "Oh!" *from the Roman Catholic benches.*] Yes. When Sir Robert Peel proposed the measure of Roman Catholic Emancipation he said there were 1,200,000 Protestants in Ulster alone. Now, it was sometimes alleged that Connaught was nearly desolate and waste. Thus, when it was desired by those who agreed with the hon. Member for Athlone to intimidate Parliament, it was said that they, the Irish Roman Catholics, were 8,000,000; but when it was thought necessary to assail Imperial Legislation, then it was represented that Ireland had lost 2,000,000 of her population by that legislation. If, as the hon. Gentleman had asserted, it were true, as he hoped it was not true, that the Roman Catholic people of Ireland would, because the ancient law of the land was asserted, depriving them of no right, combine against England, then he (Mr. Whiteside) must say, on the part of the Protestant people of that country, that in heart, affection, and action, they would be with England. In all periods of their history they have adhered to this country. They imitate your industry, admire your virtue, profess your faith, love your laws; and if you be true to yourselves, and just to them, rather than separate from, they would be content to perish with you. As to myself, I cling to the hope of the prosperity of the whole body of the Irish people; and, according to my political faith, a consummation so glorious would be accomplished if all classes of my countrymen would permit themselves to be directed by your counsels, guided by your wisdom, and inspired by your example.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXVI.

BEING THE THIRD VOLUME OF SESSION 1851.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus*, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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ERRATA.

Page 510, line 20 from bottom, *for* Lord Waldegrave, *read* Earl Waldegrave.
840, „ 31 „ *for* Mr. Price, *read* Sir Robert Price.

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